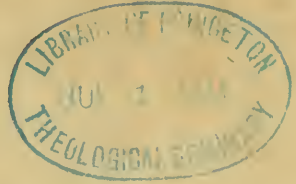


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Letters on Church government**

LETTERS

ON



Church Government.

BY

JAMES BERNARD CLINCH.

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LETTER IX.

Diocesan Synods. Apocryphal Council of Nicca, to which Columbanus appeals.—The Acts of this Council proved spurious at length.—Misrepresentation of the Roman Council under Hilarus.—Extravagant misrepresentation of saint Augustine, and of a council under pope Symmachus.—Legend of Boniface and Vigilius.—Misrepresentation of Irish Bishops, who have received coadjutors cum spe successione.—True state of the question and justification of those Bishops.—New rules for episcopal elections, invented by Columbanus, as ancient general Canons.

REVEREND SIR,

ON *Diocesan synods* little is requisite to be told. These synods are assemblies of comparatively recent origin, convened by an individual bishop, and consisting solely of his clergy. At such assemblies therefore the priests of the "second order," are necessarily present, unless a bishop should fancy to hold a *synod of himself*, which few prelates, how *exclusively* soever inclined, could attempt with any chance

chance of success. In these synods the clergy are sometimes consulted, and very properly consulted; but the decisive voice and authority remains with the bishop alone, who alone subscribes, as giving force to the acts by the received and confirmed regulation of the church, in order to obviate an idea, foolishly or schismatically broached, of a *divine or necessary right to judge*, from the fact of the clergy, in certain of those meetings, having been used to sign.* These synods cannot decree on matters of faith or general discipline: the bishop has the authority to make his clergy subscribe, *as consenting*.

From this we begin a new subject. It is that, on which *Columbanus* has been most prodigal of his zeal and kind language. I am now to examine his assault on those Catholic bishops of Ireland, who have asked and received coadjutors with the chance of succession. To meet him, in the first instance, on the abominable perversion of those facts, which he affects to relate, would be the easier way. But I will, at once, close with the proofs; and, when I have exhibited the *scholar*, I will return to compliment the *zealot*.

“ The present mode of appointing bishops to Irish
 “ Catholic Sees, diametrically repugnant to the *fifty-*
 “ *second canon* of the oecumenical council of Nicea,
 “ A. D.

* See Benedict xiv De Synodo Diceces. Lib. xiii. ch. 1 and 2. vol. 2. p. 196. Edition of Ferrara.

“ A. D. 325, and to the *fifth* Canon of the council of Rome, A. D. 465.”*

Now, there never was a *fifty-second* Canon of Nicea. There never was a Canon enacted in that council on the subject. Our Author, as we have seen, when arguing from Rufinus *the incontrovertible* against a western patriarchate, declares against all Nicene Canons, save those in *genuine* Greek copies:† these Canons are but twenty in all. Shall you not allow the great authority of *Columbanus* to be opposed to itself? You will argue however, that *Columbanus* has retracted that retraction, when he informs us, that in the Bodleian library and *inter Codices Justellianos* is preserved *an ancient copy* of the Nicene acts, as collected by *Dionysius Exiguus*, in which copy a *fifty-third* Canon, *de ordinandis Episcopis*, corresponds with that published by Labbe and referred to by himself, in the passage before us.†

Has *Columbanus* read the *originals* in the *Bodleian*? Surely, surely, he has. He would not insult his most ignorant readers, by the gross and impudent resource of alleging an authority that had no existence. But how shall we excuse *Dionysius Exiguus*, who, in the nineteenth century, and thirteen hundred years after his own decease, returns to inform *Columbanus*, in de-

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nial

* *Columban* first letter, p. 39.

† *Columban*. third letter p. 110. 111. ‡ Fourth letter p. 31.

nial of his own former testimony, that a *fifty-third Canon* had been framed at Nicea? This Dionysius, in the sixth century, translated the oriental Canons: his version is still entire, and corresponds exactly with the Greek text in the number of canons to each council. But this is not all. He declares,* that from the Nicene council to that of Constantinople he has numbered the canons; that he has inserted, between those two synods, even those minor councils, which preceded that of Nicea, and that the sum total of canons is 165, according to his *Greek* vouchers. According to Dionysius the oriental canons are, respectively, of Nicea 20; of Ancyra 24; of Neocesarea 14; of Gangra 20; of Antioch 25; of Laodicea 59. For this several enumeration *Dionysius* is authority: he is besides authority for a sum total of 165. If to the several numbers above given, we add the three first canons of Constantinople, with very little help from *mathematics*, *Columbanus* may convince himself, that the account

* In *Epistola ad Stephanum Episcopum*. In principio itaque Canones qui dicuntur Apostolici...deinde regulas Nicæni Concilii, et deinceps omnium Conciliorum, sive quæ antea, sive quæ postmodum facta sunt usque ad synodum centum quinquaginta Pontificum...*sub ordine numerorum*, id est, a primo capitulo usque ad centesimum sexagesimum quintum, sicut habentur in *Græca auctoritate*, digessimus. The *Latin* part of the first collection of Dionysius began with the council of Sardica, and ended with the African councils. Of this collection the Epitome sent by Hadrian I. to Charlemagne (*Hard.* III 2034. and *Labb.* vi 1800.) preserves the order.

count will correspond, and that Dionysius, *when living*, neither wrote nor *collected* that 53d canon of Nicea, which is *preserved* in the *Bodleian, inter codices Justellianos*.

The compilation, on which our author takes stand, is, at the earliest, of the *eighth*, and possibly of between the *ninth* and *tenth* centuries; the translation, to which he refers, is of the *seventeenth* century, and out of the Arabic language. The formidable canon, in English, is as follows. The version of *Columbanus* shall appear below, so that the reader may have the satisfaction of beholding his *improvements*.

Title of Canon. “ That no bishop during his own
 “ life, is to chuse, or appoint his successor.” Canon.
 “ No bishop, in his life-time, shall chuse or appoint,
 “ either from amongst his kinsfolk, or from them who
 “ are strangers to his blood, a person to succeed him,
 “ on his decease: neither shall he chuse a man of au-
 “ thority in the city, to be established therein as bi-
 “ shop: but upon his decease, let there be chosen either
 “ from amongst the priests, or *the Monks residing in the*
 “ *monasteries of the deserts*, or even from the laymen, a
 “ person of known learning, and application to the
 “ study of holy writ, and of distinguished qualities and
 “ worth; and let such man, though a foreigner, be
 “ ordained the bishop. *For whenever such a person*
 “ *shall be found, his ordination shall not be hindered,*

“ or

“ on account of his being a man of authority and wealth.

“ *This Canon has no sanction of spiritual punishment.*”*

After the quotation of his *fifty-second* canon, our valorous Author cries out, “ This canon is too clearly expressed to require any comment. It is the decree of an *oecumenical council*. Will the Irish bishops, for the sake of preserving their uncontrouled dominion, venture to resist the evidence of a general council, as the high priests of the synagogue ventured to resist the miracles of J. C.?”† (i. e. JESUS CHRIST).

The parallel is well chosen, and the unceremonious familiarity of Columbanus with J. C. may justify a little over-straining of the privileges which he derives from his own acquirements. Yet the reasoning will not do,

* Columban. first letter, p. 40. translates in this manner. “ Let no bishop living elect or appoint for election his own successor,—let no bishop, whilst he lives, either elect or appoint for election another, who may succeed him after his death; neither from amongst his neighbours” (so he translates *propinquis*), “ nor from those who are remote. Neither shall he elect to preside over his fellow citizens, any man from amongst the higher ranks, who may be appointed their bishop. But, after the bishop’s death, let them elect some man from amongst the priests, or monks, or the laity, who is known for his learning, and perusal of the holy scriptures, and conspicuous for his virtues and probity; and although he should be a stranger, let him be ordained.” In this version, not to dwell on the beauty and clearness of the passages underlined, I wish it to be observed, that the *monks living in the deserts* are omitted totally, and providently, as no monks were known beyond Egypt in the time of the Nicene council. Again; the title of the canon is absurdly translated as an enactment. However even this is surpassed by the discretion, which dropped the entire of the conclusion.

† Columban. *ibid.*

do, though stilted upon the assumption of a prophetic termagancy. The decree is *not* of a general council; and, though it had been such, it is nothing to the purpose. So that this concluding flourish, (saving the hint of our author's intimacy, in the *easy* way, with our dread Redeemer) is a chorus without a ballad.

Suppose the thing just quoted to be the decree of an *oecumenical* council, and to have been resolved even at Nicea. Before we could justly term *resistance to a general council* (for in truth, I am at a loss for meaning in the words, *resistance to the evidence of a general council*) any variance from the rule so decreed, it would be necessary to ascertain two points: the one, whether, in the mind of the enactors, the canon had been intended for a uniform direction, not only in circumstances present to the legislators, but, notwithstanding any change of circumstance; the second, whether, even supposing the Nicene fathers to have intended the canon to be a durable law of discipline, the law notwithstanding may not have carried within itself the reason of its own suspension in after times; in other words, whether the mischief against which the Nicene fathers had provided in this said canon, might not have removed itself to an opposite station, so as to justify the literal intermission of a rule, for the object of securing that, which the rule could no longer defend.

A rational and just man would have sought to clear
these

these two points, before he condemned. But since I have to do with a severe and Spartan-like *inspector* of canons, I would humbly interrogate *Columbanus*, whether all the Nicene canons, I mean the genuine *twenty* canons, are such as no bishops can decline from, without resembling *Annas* and *Caiaphas* in guilt? Let us take the last canon of *Nicea*. It wills, that no Catholic shall kneel in the church on Sundays. Is it not so? Yet this canon without any formal abrogation has been in disuse through the *West* for ages; nay, possibly was never received, or never was meant to bind the *West*. Did the *West* in this particular, *resist the evidence of a general council*? There is another canon, the sixteenth of *Nicea*, which interdicts giving clerical reception or entertainment to a *priest* or *deacon*, quitting his diocese; nay, if notwithstanding such inhospitality, the emigrants will remain abroad, the *oecumenical council wills them to be excommunicated*. Yet *priests* quit their dioceses at present, and are not excommunicated by the foreign bishops. Would *Columbanus* resemble those bishops to *Annas* and *Caiaphas*? The same council of *Nicea* decreed the metropolitan prerogatives inviolable. At that time *Byzantium* was a subordinate bishopric under *Heraclea*. *Byzantium* soon after was exalted into an imperial city: it became *Constantinople*. It had subdued, in the fifth century and before any new canon law on the subject, that very *Heraclea*, whose pre-eminence over *Byzantium*

the

the Nicene council had guaranteed. Shall we infer, that saint John Chrysostom, that Sisinnius, that Flavian the martyr, by *resisting the evidence* of the sixth Nicene canon, were, in their conduct, successors of “*the high priests of the synagogue, who resisted the miracles of J. C.;*” who resisted the evidence of his miracles so far, as to have planned the death of *Lazarus* along with that of the Christ, in order to exterminate the gift, as well as the Giver of life? Again; the council of Nicea had confirmed the precedency of *Elia*, *subject nevertheless to the jurisdiction of Cesarea*. Yet, in the council of Chalcedon, the bishop of Antioch surrendered to *Elia* his three provinces in Palestine, and by that compromise subjected to *Elia* those metropolitanical rights, which had been guaranteed to *Cesarea* over that same *Elia* by the Nicene council. Were the bishops in the council of Chalcedon like *Annas and Caiaphas*? Our author seems to forget, that the first council of Jerusalem was, according to his own system, the model of all councils, and that, if so, as to authority of discipline, it must have stood consequently as high as that of Nicea. In what other council has the prohibition, enacted in Jerusalem against blood and strangled meats, been repealed? In the East the canon is still attended to. In the West it continued to be observed in the beginning, at least, of the eighth century. Is the entire of the West under the curse of *Annas and Caiaphas* on this account? Is England, and
its

its established church, in resistance, like *Annas and Caiphas* to the *occumenical* council of Jerusalem, for the cause of the black puddings?

Columbanus, it must be taken for granted, has read over this *digest*, which he entitles *Canons of the Nicene council*. What does he think of the 28th canon, which forbids, *under pain of excommunication and deprivation*, a *priest* to become surety, or to bear witness in a criminal cause, or to accuse, or make reports against any individual to persons in government, or to keep on the watch as an informer, or to stir up divisions amongst the laity? What of the thirty-fourth canon, which requires the bishop or *presbyter** to reconcile Arians by anointing with the chrism, and *reciting the prayer of Dionysius† the arcopagite*? What of the 38th canon, translating the patriarchate of *Ephesus*, to Constantinople,‡ which as yet had no existence, and declaring the bishop of Jerusalem§ exempt? What of the

* By the provision of the Nicene council, the bishop alone could reconcile Arians, and such was the discipline of the *East and West*, to the end of the fourth century. *Siricii P. P. Epist. ad Himer. Tarracon.*

† A name not given to the Author of the *Hierarch. Cælestis*, until the end of the 5th century.

‡ Saint John Chrysostom first interfered with *Ephesus*, on which ground amongst others he was deposed in the *synod of the Oak* by *Theophilus*.

§ Whom the Nicene Council, canon vii, had subjected to *Cesarea*.

the 37th and 44th, in which the bishop of Rome is not only *patriarch* of the western bishops, but the governor of all the patriarchs, as Peter was over the heads of christian religion? What of the 55th canon, which directs, that if a wife part from her husband in dispute, and will not return, though recalled by the priest and the bishop, the husband shall be free* *to marry another*? What of the 71st., in which it is provided, that, whenever a husband shall be found falsely to have charged his wife with infidelity, the wife, if she please to keep her husband, shall have power to retain him: but, if she will rather marry any other man, shall be free and without blame in so doing? What, finally, of the 25th canon, forbidding a *christian to keep two wives*, or to *maintain seraglios*? Does not all this savour of the condition of religious discipline, as it is known to have existed in the beginning of the fourth century? Does it not accord with what we learn from the *twenty* canons of Nicea, and from the undoubted testimonies of writers and fathers? The Pope you see is declared patriarch of the west. “There are four “patriarchates,” says the 37th canon,† “throughout “the world, as there are four gospels, four rivers,

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“ four

* Evidently introduced under the pressure of Mahometanism as well as the canons next adverted to.

† Borrowed from speeches in the second Nicene, and in the synod of Constantinople against Photius, between the eighth and ninth centuries.

“ four angels, four elements, four winds, and four ingredients in the composition of man. The chief of these is the bishop of Rome in the see of Peter, as the apostles instituted ;...and all the bishops of the world are partitioned amongst these four.” Here the *incontrovertible* Rufinus is scouted, and the *radius* of 100 miles, *circumscribing the circle*, is broken up like a rotten twig. But it is not on such authorities the right of Peter was founded ; nor is it lawful to build upon that corner stone, with materials of stubble. *Columbanus* is free to breathe hot and cold : but *Nobis non licet esse tam disertis*.

Yet although the *compilation*, it may be said, should be of the eighth or ninth century, the canon in question may be genuine. How then came it to pass, that not only in times immediately preceding the council of Nicea, we find bishops appointing their successors, but immediately *after* the celebration of that council ? Peter the martyr of Alexandria had appointed Alexander his successor.* This Alexander was the principal framer of the canons of Nicea ;† and, dying the same year, he *commanded* Athanasius and no other to be chosen his successor. “ Athanasius being absent,” writes saint Epiphanius, “ Achillas is ordained, in
“ order

* Epiph. Melet. διαδοχος καλαίψας Αλεξανδρον. αυτος γαρ διαδιχιστικι τον θρονον μετα τον προεξημεινον Πιτρον.

† In literis C. N. ad Eccl. Alexandr.

“ order to prevent intrigue ; and governs three months.
 “ Upon whose decease, Athanasius obtains the chair,
 “ which was due to him, at once by vocation from
 “ God, and by *the decision of Alexander.*”* Athanasius, in like manner, when near his end, declared his choice of Peter, who succeeded him. Now, is it possible, that Alexander was ignorant of the canon, *he himself had framed or suggested* ; or that the party of Meletius would have neglected to enforce this canon against the appointment of Athanasius ? Were those two great bishops combined, *like Annas and Caiphas*, to resist the *evidence* of a *general council* ? Was Epiphanius a stranger to the Nicene canons, when he considered the appointment of Athanasius, by his predecessor, as giving to the latter a just pretension and title to preference ? *Columbanus* therefore has permitted his *own* zeal on this occasion to take indecent liberties with his own understanding.

So

* In HÆR Ar. xi. διαδχιται Αχιλλαν ποιησαντα μηνιας τρης Αθανασιος ὁ μακαριτης, ὃ ὁ Αλεξανδρος μελλων τελευταν παρηγγειλεν αποδοθηναι την επισκοπων.....ὁ δε θρονος ην και ἡ ἱερωσυνη ἱτοιμασμενη τω εκ Θιον κκλημεινῳ, και απο του μακαριτου Αλεξανδρου ὤρισμεινῳ. This sentiment is repeated (Melet. vi.) Saint Epiphanius was mistaken as to the succession of Achilles : but he could not have been mistaken in the general principle, as agreeable or repugnant to the Nicene canons. From the concluding part of this article it appears to have been written before the second general council.

So much for “the *fifty-second* canon of the council of Nicea held A. D. 325.”

The second great authority is that of the Roman council under pope Hilarus, which Columbanus introduces with proper formalities. “*Be it remembered,** that “a synod of forty-eight bishops, held by pope Hilarus at Rome in 465, condemned *with execration* the “practice of some bishops, who appointed their own “successors;”

This assertion is utterly false.

“And that all the assembled bishops, as soon as “*that canon of condemnation was read,*”

That canon of condemnation was neither made nor read.

“*Rose from their seats* and confirmed it, with *christian* abhorrence of such *infamous* practices.”

Of all this, not a syllable is to be found, unless in *Columbanus*.

“And with *loud* and reiterated acclamations.”

Before we hearken to those *loud* acclamations, let us understand from the proceedings in the council, what it was that the bishops *confirmed* in that way.

In this primatial synod of Hilarus, three canons were declared by the pope, I. Against the ordination of *Bigami*, II. Of illiterate, or maimed, or persons who had been under public penance, III. That each bishop present should have the option either to remove such, if ordained by himself or his predecessors, or

to

* *Columbanus* page 41.

to answer for his neglect before the holy see. In conclusion, the bishops are called on to deliver their mind and reasons on these subjects, and to subscribe individually.

“ Moreover,” continues the pope,* “ strange and
 “ unheard of principles of error, make their appear-
 “ ance occasionally in certain quarters, as we are au-
 “ thentically informed by letters out of Spain. To be
 “ brief, some men consider the place of bishop, which
 “ *is only given to previous desert*, to be, not the gift of
 “ God, but a *testamentary perquisite*, and hold a belief,
 “ that the pontifical dignity is *like devisable and worldly*
substance,

* In Labb. iv. 1061, in which these canons are ill named 2. 3. 4. as the preamble to the reading of the letters from Spain is marked erroneously Can. 5.

† Ibid. Præterea, fratres, nova et inaudita, sicut ad nos, missis de Hispania Epistolis, sub certa relatione pervenit, in quibusdam locis perversitatum semina subinde nascuntur...Denique Nonnulli episcopatum, qui non *nisi meritis præcedentibus debetur*, non *divinum munus sed hæreditarium* putant esse *compendium*; et credunt, sicut res *caducas atque mortales*, ita sacerdotium *velut legatario aut testamentario jure posse dimitti*. Nam plerique sacerdotes in mortis oonfinio constituti, in locum suum *feruntur alios, designatis nominibus subrogare*: ut scilicet non legitima *expectetur electio, sed defuncti gratificatio* pro populi habeatur assensu. Quod quam grave sit, æstimate. Atque ideo, si placet, etiam *hanc licentiam* generaliter de Ecclesiis auferamus, ne, quod turpe dictu est, homini quisquam putet *deberi* quod Dei est. The phrases underlined tell pretty clearly to what species of *appointment*, Hilarus, perhaps inaccurately, thought the case out of Spain to belong. The phrases are all *fiduciary*,

“*substance*, and can be transferred by the help of *those*
 “*forms*, which establish the trusts of a last will. For
 “several bishops, when about to die, are reported to
 “limit their sees to others by *formal appointment in law*;
 “with the view, as it appears, that *legitimate election*
 “*shall not be waited for*, but that the wish to discharge
 “*an honorary duty towards the deceased*, shall stand in
 “*lieu of the assent of the people*. Consider you, how
 “grievous a matter this is: and therefore, if you con-
 “cur, let us abolish, by a general rule, *this arbitrary*
 “*power* throughout all the churches; lest any man
 “should suppose (which it is shameful even to mention)
 “that the property of God is *a debt or duty owing to any*
 “*man*.”

Surely this statement, made by the Pope to his bi-
 shops and presbyters, was not a petty feature in the
 case, and might have been fully told out by *Columba-*
nus without prejudice to his candour. A more pro-
 fane abuse of the law of trusts and legacies could not
 be well imagined, than is here alleged. It was an at-
 tempt as ridiculously wicked, as it would be at the
 present day, to levy a fine, and, in directing the uses,
 to give out a *see* to laymen in *trust* for one *appointee*
 during his natural life. It was even more absurd. For
 it went to impose a *trust* on those, who were in posses-
 sion of an *adverse right*, and to do this, as was alleged,
 by the aids of pretorian law. When Hilarus had re-
 presented such a case, and ordered the letter to be
 read,

read, it was natural that the assembly should cry out, O Christ, grant our prayer! Long life to Hilarus! ten times:—Let this sort of *usurpation* never be practised: six times:—The property of God cannot be bestowed by man; we beseech you, let it be ever guarded! we beseech you, to have it kept sacred and untouched.*

The preamble, during the reading of which, the council was applauding Hilarus, asks the Pope's confirmation for an *act of theirs* which they lay before him, “at the desire of the province and in conformity “to ancient precedent.”† If it should appear, that the matter sought to be *confirmed* was *not*, whether a bishop could

* Labb. 1062 E. Cum legeretur, (viz. the preamble of the letter) ab universis Episcopis et presbyteris acclamatum est, Exaudi Christe: Hilaro vita! dictum est decies. Hæc præsumptio nunquam fiat: dictum est sexies. *Quæ Dei sunt, ab homine dari non possunt* (echoing the late words of the Pope). Per D. Petrum rogamus, ut in perpetuum *serventur*. Hæc ut *reserventur* rogamus. These words are curiously translated by Columbanus. “Hear this o Christ! Long live Hilarus: Let this *audacity* be *nowhere* committed! God's *gifts* cannot be *given away at the will of man*.” The remnant of the acclamations, which he has carried back to stiffen the *loudness* of *these*, shall be given in their proper places.

† Beatissime et apostolica Reverentia in Christi a nobis colende Pater, ut *factum nostrum* quod tam voto pene omnis provincie quam *exemplis vetustatis* in notitiam vestram defertur, perpenis assertionibus roborare dignemini.

could recommend his successor, or *appoint* him, but a quite different cause, though implying possibly a great perversion of that episcopal prerogative, the consequence will be, that the Spanish bishops, one hundred and forty years after the council of Nicea, had not, as yet, learned by hearsay of that great *fifty-second* canon of the Nicene council. If, besides, it shall appear, that Pope Hilarus ultimately decided the point, on a ground expressly distinct from the usage of *recommending successors*, or *appointing them* in a limited sense, what will have become of the fabulous *execration* and *canon of condemnation*, so *loudly confirmed* by the “be it remembered” forty-eight bishops? To proceed with the letter from the Spanish bishops. “Nundinasius of Barcelona, now “with God, departed this life. He had established “our brother, Ireneus, a bishop within his jurisdiction, “with our consent; by the *disposal of his last will*, he “*demised* to him all, that his poor *condition was possessed of*, *expressing his desire*, that Ireneus should “*take in succession after himself*. But as to *desert*, the “*authoritative opinion of the deceased is confirmed by* “*experience.*”*

“Here,”

* Labb. ibid. 1062. Hic Episcopo venerabili, fratri nostro Ireneo, quem ipse antea in d'accesi sua nobis volentibus constituerat, *derelinquens* ei, quod *potuit habere paupertas*, in locum suum *ut substitueretur*,
optavit

“ Here,” say the acts, “ a bishop, named Probus,
 “ rising up from his chair, said ; The former act was
 “ lawful, the latter was not lawful. *Successors are to be*
 “ *given by God. By your apostle, I conjure you to make*
 “ *head against this business. Hilarus said, Read on.** The
 “ notary continued ; For the clergy and commonalty
 “ of Barcelona, the leading men and majority of the
 “ province framed and gave in their instrument of
 “ consent, and expected from *us*, that Ireneus would
 “ be

optavit, sed defuncti iudicium in ejus meritum non vacillat. Although the legal terms *opto* and *substituere* are here used, and the *suprema voluntatis arbitrium*, I think it will be manifest to him, who reads the whole letter, that Nundinasius never recurred to the method charged upon him ; and that the words already cited are the expressions of the bishops themselves, amounting merely to a *dying recommendation*, which every bishop is bound to give. At the same time the phrase, *derelinquens quod potuit habere paupertas*, being liable to be referred either to the *see* or to the *recommendation*, but more naturally to the former, the uncouthness of the stile was a just ground for the misconstruction of the Roman synod.

* Ibid. Et cum legeretur surgens e Consessu Probus Episcopus dixit. Illud licuit, hoc non licuit. Successores Deus dat. Auctoritate vestra resistite huic rei per apostolatum (leg. *epistolam* vestrum). This interruption by Probus is given by *Columbanus* as a confirmation by all the bishops rising from their seats, in *christian* abhorrence of the infamous practice. His version is, “ we entreat you, by your apostleship, to resist this with all your authority.” P. 41. His misapprehension of *auctoritas* may be pardoned ; so may his adopting the erroneous *apostleship*, for the adjuration by Peter. But how account for the *we*, instead of *Probus*, and the mistake of *Probus*, whom the Pope silenced, for a confirmation of a canon never made ?

“ be allowed to *succeed*. We, considering the deli-
 “ berate opinion of the deceased, finding the life of
 “ Ireneus laudable, and satisfied of the importance
 “ and numbers of those who petitioned, as well as view-
 “ ing the good of the said church, have thought it
 “ best, that a bishop so great, who had been translated
 “ to heaven, should be replaced by a prelate of not
 “ inferior desert; especially as the church in that
 “ town, in which Ireneus had been previously estab-
 “ lished, has been always unquestionably within the
 “ ecclesiastical jurisdiction of Barcelona;* we there-
 “ fore humbly beg, you will establish with your chief
 “ authority our decree, which we consider to have been
 “ made on just grounds.” The case has taken a new ap-
 pearance. The Spanish bishops do not consult on the
 propriety of an appointment by Nundinasius, but seek
 the confirmation of their own act, in having *translated*
 Ireneus to Barcelona, which was forbidden by the
 Nicene canon. It is now also plain, that the expres-
 sions, seemingly intimating a *legal* bequest of the see,
 were not considered by those bishops, as any thing
 more than a recommendation by the deceased; and
 that the latin word, *substitutio*, was not a term of *con-
 veyance*,

* Ibid. Nos cogitantes defuncti iudicium, &c. optimum duximus ut
 tanto Antistiti, qui ad divina migraverat, non minoris meriti *substitu-
 cretur* antistes, præsertim cum Ecclesia illius Municipii, in qua ante
 fuerat ordinatus, semper hujus Civitatis Ecclesie fuisse constet.

veyance, how unluckily soever it might have been introduced. When this letter was read through, no further remark was made either by the Pope or the bishops. Indeed the text itself was the fullest refutation possible of the bad meaning, which its affected wording had excited. Next after this, was read *another letter* from the same bishop against Sylvanus of Calahorra, who had usurped on the rights of the Metropolitan and of his brother provincial bishops. This second letter being read, the bishops and presbyters in the Roman synod cry out; “ We ask that all this be amended; that all this be severely cured. We ask that discipline be guarded; that privileges (Metropolitan) be preserved, that *canons* be adhered to,—that the usurpers be chastened canonically,—that the *ordinance of the holy see* be kept without violation.” These are the acclamations, which *Columbanus* has lent to the business of Ireneus, notwithstanding that they were appropriated to a different question, and although they were uttered *about a month after* the former acclamations.*

The

* These latter acclamations are partly garbled in *Columbanus*, misled perhaps by his authorities; partly are mistranslated with *cruel* blunders. He translates “ ut disciplina servetur, rogamus; ut *antiquitas* servetur, rogamus; ut *Canones* custodiantur, rogamus; ut in *presumptibus* vindicetur, rogamus; *ordinatio apostolica* illibate servetur;—We demand, that discipline be maintained! We demand, that *ancient Canons* be adhered to! We demand, that the violators of them be punished!

The rescript of Hilarus to the Spanish bishops furnishes indisputable evidence, that the Pope did not persist in impeaching the *appointment* of Ireneus, on the grounds of an improper recommendation. Indeed, that he would have acted rigorously in resting on that point, is scarcely to be questioned: for Ireneus, if otherwise eligible, had the full consent of the clergy and people, as well as the concurrence of the bishops, who declare, that *they* had taken into consideration, not only the recommendation of the deceased, but also the general wish and consent, the merits of the candidate, and the advantage of the particular church. Now, attend to the papal decision concerning Ireneus. “ In the proud spirit of disobedience and contempt
“ towards

punished! Let *apostolical ordination* be preserved inviolate.” As many mistakes as acclamations. 1. The mistake of *d mō di g* appears from the course of papal synods. 2. *An iquitō* is *τα επιθεσια*, or metropolitcal prerogative. 3. *Præsumptor*, is not a violator of Canons generally, but of the canonical rights of the provincial bishops or metropolitan; as *peruasor* is an actual invader of the limits of territorial jurisdiction. 4. *Ordinatio apostolica* is not *apostolical ordination*, but the *apostolical or papal ordinarce*.

In the acts of this Roman synod there is a chasm of more than a month between the first sitting and *former* acclamations, and the final sitting with those last-mentioned acclamations. The first session was held 15 Kal. Dec: in the last the letter or rescript to the Spanish bishops was read and ordered to be published, (p. 1064, quoniam præsentis). This letter is dated 3 Kal. Jan. The *sententiæ Episcoporum* belong to the former session, and have no connection with the business of the last day.

“ towards the 318 Fathers, even that canon has been
 “ slighted *forbidding any man to quit his church and to*
 “ *usurp the passage to another* : this is what *Ireneus the*
 “ *bishop attempts to practice*, under your gross con-
 “ vance, not to say your maintenance; and *what you*
 “ *wish to have confirmed by our authority.*” Ireneus is
 next ordered back to his own church, and a bishop is
 ordered to be chosen from the proper clergy of Bar-
 celona. The decree adds generally, but without any
 application, “ Nor let the episcopal dignity, which is
 “ conferred on us *by the bounty of God alone*, be *sup-*
 “ *posed a devisable property.*”^{*} Hilarus could not
 have withdrawn his first opinion on the case, more
 effectually, than by thus inculcating generally an
 undisputed maxim, yet justifying his refusal of the
 confirmation sought, on those very *Nicene canons*, of
 which a dispensation was asked.

What think you at present of the attempt to prove
 a *fifty-second* canon of Nicea from the synod under Hila-
 rus? What do you think of the loud *acclamations*, the
execrations, and *rising up* in abhorrence of the *infa-*
mous practice? Hilarus abhors the taking legal posses-
 sion

* Labb. iv, 1036. Hilar. Epist. ad Asean. In quorum (cccxviii
 Patrum) contumeliam a superbo spiritu pars illa contemnitur qua
 vetatur, *ne quis, relicta Ecclesia sua, ad alteram transire præsumat*, quod
 nimis improbe conniventibus et, ut doleatur gravius, vobis asserentibus,
 Ireneus Episcopus conatur admittere. And (iii. ibid.) Nec Episcopatus
 honor *hereditarium jus* putetur, quod nobis sola Dei nostri benignitate
 confertur.

sion of a see by force of the *law of devises*, and attempting to transmit episcopal authority by the words of substitution in a Trust-deed. His zeal is directed against a monstrous error, which he declares to be without a *precedent and past belief*. Such was the abuse, which the Pope either detected, or surmised in the proceeding at Barcelona. Consequently, the *strange and novel attempt* could not be any thing such as the greatest bishops of the church had practiced; even Ambrose, in his last moments, and when almost speechless. Hilarus, although he proposes to abolish such arbitrary power; yet afterwards, as we must suppose, being better informed, is satisfied with declaring against that, which no christian in the civilized world ever attempted to palliate, that is to say, the transmission of authority in the church, by the rules of descent or of devise.*

We have got over two of the formidable arguments, namely, “*the councils of Nice and Rome, whose canons are respected by all the different sects of christians*”
“*from*

* Natalis Alexander, a most industrious and very often a judicious compiler, is quoted by *Columbanus*, *ibid.* p. 43. However the passage quoted is literally copied from the words of Hilarus already given. *Columbanus* also quotes Sandini, a modern *Literateur*, in proof, that “*Hilarus promulged five canons for settling ecclesiastical discipline, and by the last enacted, that no bishop should chuse his successor.*” *Columb.* *ibid.* in note. Was it not as easy to have seen, in the council itself, that *no five canons*, nor such *fifth canon* existed, as to see, that Sandini copies, from some other book, that *such canons were made.*

“*from pole to pole,*”* and no wonder they should, being *invisible*. We have a third argument to come, and another, *Be it remembered*.

“Be it remembered, that the great saint Augustine, “*finding that this decree*” (i. e. the *fifty-second canon of the Arabic compilation made out four hundred years after his death*), “had been violated in his own nomination to the see of Hippo, throws himself on the mercy of God and the forgiveness of the Catholic church, because he knew not at the time of his nomination, that such a decree, as the *above Nicene*, had ever been made. Adhuc in corpore posito S. Mem. Patre et Episcopo meo, Sene Valerio, Episcopus ordinatus sum et sedi cum ille, quod Concilio Nicæno prohibitum esse nesciebam nec ipse sciebat.†

It cannot be surprizing, that saint Augustine knew nothing of the *above Nicene* decree, since Athanasius and Alexander and the *Nicene council* itself never heard of it. I hope, that the bishop of Hippo has obtained the *forgiveness of the Catholic church* for the irregularity of his nomination: but I cannot repress two observations upon this argument. The first, that *Columbanus*, against his usual way, has omitted the *translation* of his Latin text, which, in short, means thus. “While my father and bishop Valerius, then
“ advanced

* Columb. same letter p. 43.

† Columb. *ibid.* p. 42.

“ advanced in age, was yet living, I was ordained
 “ bishop, and *I governed as bishop in partnership*
 “ *with him*, which I did not know to be forbidden
 “ by the Nicene council, nor was he better
 “ informed.” Here I understand, why the Latin was
 left to shift for itself. Saint Austin declares, not only
 that he was ordained in the life-time of Valerius to be
 a bishop, jointly with him, but that *they both go-*
verned, as joint possessors, which was forbidden by the
 Nicene council. This truly points at once to the 8th
 canon, disapproving of two bishops in one city; that
 is to say, *two bishops holding a coequal right of church*
government, or, two supreme ecclesiastical rulers.
 Without going further than the Decretals, *Colum-*
lanus would have found the letter of Paulinus* felici-
 tating the appointment of Augustine, not as an *as-*
istant bishop, but as an *additional independent* bishop
 in the church of Hipporegia. The Africans had no
 Chorepiscopi: their usage was against multiplying
 sees; and as to ordaining to foreign titles, the practice
 had not sprung up, for christianity had not as yet lost
 an inch of ground. Therefore even the ordination of
 saint

* Decret. q. Caus. 7. 9. 1. xii. Paulini ad Romanianum. Non autem tantum hoc scribimus gratulandum, quod Episcopatum Augustinus acceperit, sed quod hanc Dei gratia curam meruerint Africanæ Ecclesiæ, ut verba coelestia Augustini ore perciperent: qui ad majorem Domini muneris gratiam *novo more proventus* ita consecratus est, ut non succederet *in cathedra* Episcopo, sed accederet; nam, incolumi Valerio Hipponensis Ecclesiæ *Episcopo, Coepiscopus* ordinatus est.

saint Augustine as bishop, even without the express addition of his having been joint governor in the church, even without the testimony of Paulinus, did necessarily import a duplication of the episcopal office and pastoral rank in one and the same church, which the council of Nicea intended to abolish, but which subsisted for several years, after that council, in remote districts.

The second observation I am compelled to make is this. *Columbanus*, four lines after this argument quotes Natalis Alexander. Now, that Author* gives the same argument, (taken from the attempt of Abraham Echellensis to bolster up the authenticity of the *Arabic* canons) and the same quotation from saint Augustine, and answers it, as I have done. When *Columbanus* borrowed the objection, he might as well have borrowed the solution, and then confuted it, if so pleased to do.

But, what if the great saint Augustine, while thus throwing himself on our forgiveness,—while pleading ignorance of that Nicene canon, forbidding bishops to *choose* or *appoint for election* their successors; what if the penitent saint Augustine did himself at the very same time wickedly and of premeditated malice, *recommend, designate* or *appoint for election*, and *cause to be elected* one *Eradius*, to be his successor? Impossible! you will say.

Impossible surely, if any *fifty-second canon* was known to him. Augustine convenes his people, and, as if to resist, like Annas and Caiaphas, the *evidence* of a general council, he says, “*My will is that Eradius shall succeed me.*” *Eradium Presbyterum successorem mihi volo.* Think of this! “But I will not have that matter of blame objected to my Son, which was alleged in my own particular: he shall *remain as he is*, a presbyter, with *the certainty of being bishop*, when God shall please.”* The people *thanked* saint Augustine for his designation: † the notaries took down their acclamations and consent; and thus the “*canons venerated from pole to pole*” were lamentably not made at the time.

“Will the bishops,” says Columbanus, † “shake the Irish Catholic church to its foundations by *venturing to persevere* to nominate *their own* successors, in defiance of *these venerable* decrees? Will they overturn the *sacred canons* of the *universal church*? Let them answer to their country, and above all” (here comes Jonah the Prophet in a new trim), “to God, whose *tremendous judgments* approach them near at hand, whether a *bishop appointed* by a living bishop, to be his *own successor*, can be *conscientiously* considered
“*elected*”

* *Quod reprehensum est in me, nolo reprehendi in filio meo. Erit presbyter, ut nunc est, quando Deus voluerit, futurus Episcopus. T. 2. Ep. 213, Edit. Venet.*

Indicio tuo gratias agimus. † p. 42, 43, 44.

“ *elected by the Spirit of God; he being nominated*
 “ *without any election.* Is there a protestant bishop
 “ *in Europe, who would dare to bequeath his diocese,*
 “ *as the Catholic bishops now dare to do in Ireland.*
 “ *Pudet hæc opprobria nobis, et dici potuisse, et non*
 “ *potuisse refelli.*”*

Let not any reader laugh at this sample of counterfeit fanaticism. It is by such methods, dishonest and disgusting as they are, that the cause of anarchy in religion is evermore conducted. What signifies it to the leveller's conscience, that his assertions are fabulous, and that his convulsions of inspiration are a jest, provided the multitude will take all in good earnest, and follow the prophet? It is *not* true indeed, that at Nicea or at Rome such canons were made; it is *not* true that *all sects, or any sects of christians from pole to pole* venerate those unexisting canons: but, if the assertion of untruth will serve his purpose, why exact from *Columbanus* a delicacy as to the *means* of pursuing an atrocious design? When he summons the Irish bishops to *answer to their country*, he does nothing more than has been often attempted, in stirring up a spirit of bloodshed: when he threatens them with the near approach of God's *tremendous judgments*,

he

* In English. “ What shame ! that such vile reproaches should be cast upon us, and this without the possibility of refutation.” On whom, or by whom the vile reproaches are cast, *Columbanus* leaves to guess.

he merely pronounces a sentence of damnation upon those bishops, while he turns them over to the *justice of the country*; and, by this precautionary recommendation, secures them *against* the danger of an *acquittal*. That *Columbanus* has not been attended to in Ireland by Catholics, must not be thought to diminish the merit of his endeavour: let him but have his choice of materials and of men; you will find him succeed as well as John of Leyden, though he should quote *pope Sinbad the sailor* instead of pope Hilarus, and though he should appeal to the *original manuscripts* of Gil Blas for the *subarctic* territory.

After the tragical parade of the 52d of Nicea, of the synod of Hilarus, of the *contrition* of Augustine, Bodleian manuscripts, divine judgments and national impeachments, I find *Columbanus* acknowledging,* that saint *Augustine* of England, (Bede B. 2. ch. 4.)

Sacerdos

* *Columban*. first letter p. 70. 71. "Another *objection* not quite so *profligate*, may be founded on the examples Etc." This paragraph of *Columbanus* begins without any sort of connection, even of optical illusion, with the preceding matter. No *objection* had been previously adverted to; nor indeed is the tenor of discourse quite as rational as it might be. However, candour obliges me to state, that the Author in his *prologus galeatus*, informs our Nation, that in his hurry to submit his researches to the Irish on *seint Patrick's day*, 1810, (a day, as we all know, immemorially consecrated to metaphysical soberness and canon law *parvisse*) he mistook the name of the *Dublin Coadjutor*, whom he had anathematized in the text, as appointed *without the Spirit of God* and in a way expressly forbidden by the canons.

Sacerdos of Lyons and several others,* as mentioned by Natalis Alexander, T. 5. did appoint their coadjutors, *cum futura successione*, in consequence of illness or old age. But *Columbanus* remarks, that “Natalis Alexander, the learned Theologian, *observes*, that “these cases are *exceptions to the laws*, and *repugnant* “and *revolting to the spirit* of the church: that *even* “in these cases the *free consent of the diocesan clergy* “was *required*; and that *in no case* could a bishop be “obtruded on the clergy of the diocese, if they were “unwilling to receive him.”

Must I answer this nonsense? Must I *reason* against a man, who, in the same one breath, terms the same instances *exceptions to the laws*, and *repugnant to the spirit* of the church? O foolish civilians and philosophers! Your opinion had been, that every *exception to law* had been provided for, either in its text or by its *spirit*. You were simpletons in the business, which *Columbanus* has taken up for his occasional recreation. You must invert your language henceforth, and satisfy the inquisitive species of mankind, how cases will happen to be *exceptions to a law*, in other words, not to be within its letter or provision, and yet to be *revolting to the spirit* of the legislator. An *exception*, said an old legal writer, *confirms the rule*; and such indeed was *anciently* the condition of the laws. From the
 proclamation

* *Columb. Ibid.* p 71.

proclamation of *Columbanus* on saint Patrick's day, 1810, the *exception* to the law is to be a *violation* of its *spirit*, as to all penal intents. May God defend us from the peril of such rigorous critics becoming the executive instruments of any human law, or the expounders of any divine law!

Natalis Alexander, it seems, is a *learned theologian* for *Columbanus*; nor do I dispute the great industry and erudition of that Author. But I have always understood, that he who appeals *generally* to the opinion of an arbitrator, does virtually own the competency of that man's judgment, on every question of fact connected with the decision. How comes it to pass, that when this *Natalis Alexander* vindicates to the bishop of Rome the abstract *right* of ordaining bishops *throughout the West*; that, when *Natalis Alexander* refutes at length and satisfactorily (though I have abstained from using his proofs), the silly argument from *Rufinus* concerning a *suburbicarian* district; *Columbanus* not only has quashed in high silence the *learning* of the *Theologian* on *that* subject, but has involved him, as a stickler for the *Western patriarchate*, in the censure of *total ignorance of ecclesiastical history*? This is not consistent.

But how does *Columbanus* quote the learned *Theologian*? Truly, by representing, as of *one* passage and one age, two several extracts, which, separated by one hundred years, are divided by near three hundred folio pages

pages intervening. The passage referred to by *Columbanus* in the text (T. 5. 431) regards the *sixth century* and the beginning of the seventh. The general practice of that time is thus recorded by *Natalis Alexander*. *Bishops were wont to designate coadjutors, with a contingent succession, to themselves, when either the necessity or the advantage of the church required that measure.** Not to speak of *truth*, is it not a grievous affront to reason itself, that *Columbanus* should represent the Theologian as declaring those instances to be *repugnant to the spirit of the church*, which the Theologian himself declares to have been either *necessary to the church or advantageous*? Again; *Columbanus* pretends that, according to the learned Theologian, the consent of the diocesan clergy was *necessary even in these cases*, that is, the cases of *Augustine, Sacerdos*, and the others. Now, of such consent not a syllable was written by the *Theologian* on the subject; and from the very foremost of his instances, namely, that in *Bede's* history of *Augustine of Canterbury*, it is evident, that no such consent was thought of. “*Augustine,*” writes the venerable *Bede*, “*was succeeded in the episcopacy by Laurence, whom he himself in his life-time had ordained, lest, on his decease, the state of the church, as yet unfinished, should totter, even for a little space of time, for the want of a pastor. In this he followed*”

“*the*

* *Nat. Alex. ibid. §. x. Coadjutores cum futura successione sibi designabant episcopi, si id necessitas aut ecclesiae commodum postularet.*

“ the example of the first shepherd, I mean, that of Peter, the chief of the apostles, who, having founded at Rome the church of Christ, is related to have ordained Clement at once his coadjutor in the gospel preaching, and his successor.*” Could Natalis Alexander, when he referred to Bede, have been either so stupid as to foist into this account *a necessary consent of the clergy*, or so wicked as to impeach the precedent, made by saint Peter, *of revolt or of repugnance to the Spirit of the church?*

So much for that part of the question, which *Columbanus* has marked as of Natalis Alexander, when relating the designation of Laurence by Augustine, and the instances of *Sacerdos* and the others in *the sixth century*. It remains to examine the *observation* attributed to the *learned Theologian*, as if made on *those instances*, but in fact applied by Natalis Alexander to the preceding centuries, especially the third, fourth, and fifth. Let us give the instances from the *Theologian* himself.

First,

* Bede Hist. Lib. 2. c. 4. initio. Successit autem Augustino in episcopatu Laurentius, quem ipse idcirco adhuc vivus ordinaverat, ac, se defuncto, status ecclesie tam rudis vel ad horam pastore destitutus vacillare inciperet. In quo et exemplum sequebatur primi pastoris ecclesie, id est beatiss. Apostolorum principis Petri, qui, fundata Romae Ecclesia Christi, Clementem sibi adiutorem evangelizandi simul et successorem consecrasset perhibetur.

First ; *Valerius of Hippo* procured *saint Augustine* to be ordained joint bishop with himself. This instance is given at length by *Columbanus*, with the small mistake of having confounded joint bishop with coadjutor.

Second ; *saint Augustine*, with the consent of his clergy and people, appointed *Eradius* to succeed himself. This instance has been prudently omitted by *Columbanus*, and honestly. It might have thrown a doubt on the penitence of *saint Augustine*, as well as on the 52nd *Arabic canon*, which is the 53rd inter *Codices Justellianos*.

Third instance ; *Severus*, bishop of *Milevis*, appointed a successor to himself with the consent of his own clergy, without asking the consent of his people. Upon the decease of *Severus*, some disagreement ensued, which was pacified by *saint Augustine*. This instance is not mentioned by *Columbanus* for very obvious reasons.

Fourth, fifth and sixth instances ; *Alexander*, in the fourth century, appointed *Athanasius* his successor. *Alexander* of *Constantinople* appointed *Paul* and *Macedonius* as most worthy to succeed him. *Athanasius* appointed *Peter* to succeed him. The magistrates and people agreed in the election. These instances are omitted by *Columbanus* for right excellent and worthy reasons.

But the seventh instance of *Ireneus* is not forgotten by our Polemic, nor the observation, that *Pope Hilarus* declared such designations by bishops at the point of

3 P

death,

death; null and void, though made with the consent of the provincial bishops. Columbanus could not forego this instance and observation, although grounded in a double mistake; because, first the case of Ireneus was really decided upon as a case of *translation*, which I have proved: again; the provincial bishops neither were asked nor granted any consent to the designation, until *after* the death of *Nundinasius*, as we have seen.

Eighth instance; On the flight of *Narcissus*, a bishop was ordained to Jerusalem by the provincial bishops; omitted by *Columbanus*. *Columbanus* however does not omit the council of *Antioch* in the fourth century, forbidding, as *Natalis Alexander* observes, such designations at the point of death. I therefore am bound not to omit, that this council of *Antioch* was held by *Arian* bishops, the conspirators against *Athanasius*, and that the canon in question was made by those conspirators, and with the evident intent of crushing the orthodox churches, by depriving bishops of that necessary remedy. I am bound not to omit, that *Beveridge* must have informed *Columbanus* of this fact, even though he had not learned, that *John Chrysostom* impeached those canons on this very ground, and that *Innocent I* declared, that those canons were not acknowledged at *Rome*.

Columbanus does not omit the remark of the learned Theologian, that such designation was always foreign to the usages of the church; but he envenoms the observation

ration by rendering it *revolting to the spirit* of the church; thus attainting the sacred memories of the greatest doctors of faith and luminaries of holiness, that have ever appeared.

But how will *Columbanus* extenuate the *prudence* of his omitting these concluding words of the *learned Theologian*? “Although, *whenever the good of the church demanded, the most holy bishops*, either with
 “the consent of clergy and people, or *with the consent of the provincial bishops, designated their successors, or appointed coadjutors with the hope of succeeding.*” *Quamvis, postulante Ecclesiae bono, sanctissimi Antistites, clero et plebe, vel comprovincialibus episcopis consentientibus, successores suos designassent, aut coadjutores cum spe futurae successionis assumpsissent.**

“Pope Celestine I.,” adds *Columbanus* “who sent saint Patrick to Ireland, *exhorts the clergy to resist such uncanonical nominations, (i. e. designated coadjutors with the chance of succession) and to insist on a bishop being chosen from amongst the clergy of the vacant diocese. Leo the Great says, Ex presbyteris ejusdem ecclesiae vel ex diaconibus optimus eligatur, i. e. Let choice be made of the best presbyter or deacon of the same church. Epist. 84.*”†

To

* Natalis Alex. T. 5. p. 177.

† *Columban. ibid. in note* “Tunc alter de altera eligatur Ecclesia si de Civitatis ipsius clericis, cui est Episcopus ordinandus, nullus dignus, quod evenire non credimus, poterit inveniri, sit facultas clericis
 “ricis

To begin with the last, namely, with Leo the Great, it is true, that he has written the words alleged; they appear in his instructions to the bishop of Thessalonica (Labb. iii. 1385. S. vi.); so that I have nothing to reply beyond two *little* points: the *first*, that neither in this, nor in any other epistle, does Leo treat of, or allude to any designation of coadjutors or successors; the *second*, that, of this very quotation, the first leading words have been suppressed, viz. “ on the death “ of a Metropolitan;*” and that Columbanus forgot to state, that, in the preceding paragraph, Leo had allowed bishops for *sees not metropolitan* to be chosen without any such restriction, because we know, that any bishop might resign his clergyman to another church.

Now, as to Celestine I., who sent saint Patrick into Ireland, first of all, neither does Celestine mention a title of designating coadjutors. Secondly, he does not write to the *clergy*, but to the bishops in Gaul. Thirdly, he does *not* exhort the clergy to *resist*, and ~~to~~ *insist* on a bishop being chosen from amongst the clergy of the vacant diocese.

The

“ *ricis renitendi, si se viderint prægravari, et quos ingredi sibi ex
“ adverso agnoverint, non timeant refutare.*” Such is the quotation as given by Columbanus from the papal letter, on which I will barely observe in this place, that instead of *ingredi ex adverso*, the words in the letter are, *ingeri ex transverso*.

* *Metropolitano vero defuncto.*

The reader will be pleased to know, that the words of Celestine, *omitted by Columbanus*, declare, that before a clergyman be taken out of *another church* for the office of bishop, all the clergymen of the vacant diocese should be inspected and set aside. They also declare, that no clergyman should be deprived of the fruit of his *long and assiduous* residence in that church, in which *he had served through every degree* from his first vocation.*

If this regulation were still in force, then adieu to the pretensions of absentee candidates. The letter of the pope continues; “ Let the clergy *be empowered to* “ *take defensive steps*, if they see themselves overborne “ unfairly; nor let them fear to *disprove* the claims of “ those, whom they find driven in upon them “ athwart their progress.”

This was written by Celestine to the bishops of the two provinces of Vienne and Narbonne: it directs those bishops to maintain the clergy of a vacant diocese in the right of appeal, and in the privilege of impeaching the competence or superiority of a *foreign* candidate. By *Columbanus* the direction to bishops is refined into an exhortation to the *clergy* themselves.

Of

* Primum enim illi (civitatis ipsius clerici) reprobandi sunt ut aliqui de alienis Ecclesiis merito praeferantur. In aliena stipendia minime alter obrepat, nec alii debitam sibi alter vindicet mercedem. Labb. iii. 1621. S. 5.

Of necessary consequence, the *exhortation* can be no other than to *resist* and to *insist*; in which two points, we have found the entire of the *second order of Columbanus* very steady from the days of Constantine. The ending words of this quotation are omitted by our author; “ For *although they*” (the clergy of the acant see) “ *should not obtain the prize due to them, they* “ should possess at least *the freedom of judging concern-* “ *ing that person who is to be their ruler.*”* A strong specimen of the art of quoting is here given by *Columbanus*. After distinguishing (with what justice we shall see hereafter), between *election*, as made by the people, and *appointment*, as made by bishops, he first misquotes the address of the letter; next, he omits the conclusion of the paragraph; from both of which it is evident, that the bishops were instructed to maintain the rights of the *clergy* against *some certain third party*; and that the right of *the clergy* was *not of insisting peremptorily*, whereas Celestine supposes a case of their being defeated. But what is best of all, *Columbanus*, who gives the Latin words marked below,† which plainly refer to the *popular choice*, inasmuch as they refer

* Qui etsi non debitum præmium, vel liberum de eo qui eos rectorus est debent habere iudicium.

† Tunc alter de altera *eligatur* Ecclesia, si de civitatis ipsius clericis, cui est Episcopus ordinandus, &c. Amongst other proofs for *election by clergy and representatives of the people*, *Columbanus* alleges the title in the pontifical, De consecratione *Electi* in Episcopum.

refer to a case, on which the *clergy* are liable to be rejected, one by one, and on which their remedy is given, by Celestine, in appeal; *Columbanus*, I say, disregarding at once the sense and the phrase, metamorphoses the case of *people* and *clergy* at issue, into one of *uncanonical appointment* by bishops.

This dictatorial method of acting towards Celestine I., who sent *saint Patrick* into Ireland, is the more blameable, as that pope has more than once inculcated, from what quarter the abuses arose of preferring foreign *clergymen* and *laymen* to episcopal sees. Nestorius had been taken from Antioch and ordained to Constantinople by the wish of the Emperor. When it became necessary for the pope to rebuke Nestorius, he did not fail to blame the *foolish preference* shewn to *reported goodness*,* above the approved worth of the clergy of Constantinople. When, Nestorius being deposed, Maximian was ordained to the see of the capital, this same Celestine extols the purity of his appointment, because he neither had gained that station by the ostentatious display of wealth, nor by leaping over the intermediate degrees, as was done by ambitious candidates, but by the *suffrage of the humble and religious multitude*,† to whom he had dispensed seasonably

* Cælestin. ad Nestor. Aliquantis diebus. Labb. iii. p. 353.

† Labb. ii. p. 1626. sed *suffragio pauperum*, quibus fidelis servus et prudens cibum dabat in tempore, super omnia domini sui constitutus est bona.

seasonably the spiritual food. From the letter of this Celestine I. to the bishops of Apulia and Calabria, we learn, that the abuse of the laity electing *laymen to bishoprics*, had introduced itself into the South of Italy, “ We are informed,” writes this pope, *who sent saint Patrick into Ireland*, “ that certain cities, “ whose bishops have deceased, are about to demand “ Laymen to be ordained their bishops, not only “ *judging unfairly of their own clergy, in scorn to* “ whom they act thus, but harbouring the worst possible opinion of us, when they imagine we can accede to such demands. They never would presume “ thus, were not the inclination of some *individuals*” (i. e. bishops) “ in connivance with the unlawful attempt. We warn you, each and all, not to admit “ into ecclesiastical rank any layman, lest, &c. *The people is to be taught, not to be followed.* It is our duty, when they are ignorant, to admonish them of “ what is lawful or unlawful, not merely to lend our “ will to theirs. Let this be published through the “ vacant dioceses.”*

Does

* Epist. 3. Labb. i. 1622. Audivimus quasdam propriis destitutas rectoribus civitates Episcopos sibi velle petere de laicis...non solum male de suis clericis, (in quorum contemptum hoc faciunt) judicantes, sed de nobis pessime, quos credunt hoc posse facere, sentientes. Quod nunquam audent, si non quorundam illicitis consentiens sententia conniveret.

Do not these extracts throw light on the epistle to the bishops of Vienne and Narbonne? Do they not shew whence dangers arose? Do they not tell aloud, that Celestine had in view the growing evil of the powerful laity, and rich clergymen speculating upon church honours, when now the church had gained *temporal endowments*? Does not Celestine, by an ostensible letter, blame the truckling of some bishops to profane speculation? Does it not appear manifestly, that the pope, whether he directs the clergy of a vacant see to be preferred before foreigners and unknown persons, or whether he reprobates the election of laymen to bishopricks, seeks equally to oppose the influence exercised by the *lay electors*?

I find however a distinction made between the ordination of *foreign clergymen* and that of *laymen*. The former is allowed under certain restrictions: the latter is declared to be *incurable*.* Now, what are we to think of *Columbanus*, who in one and the same publication, appeals to this Celestine against the *appointments*, by

3 Q

bishops,

teret.....fraternitatem vestram commoneamus ne quis laicum ad ordinem clericatus admittat...docendus est populus non sequendus. Nosque si nesciunt eos, quid liceat, quidve non liceat *commone*re, non his consensum praeberere debemus...Per totas ergo hoc, quae propriis rectoribus carent, Ecclesias volumus innotescat.

* Cœlest, in Epistol. ad Episc. N. and V. §. vi. Abstineatur etiam ab *illius* ordinationibus. Nullus ex laicis...ordinetur...si quae facta sunt *illicitae* ordinationes, *removeantur quoniam stare non possunt.*

bishops, of bishops; and appeals to a 52d canon of Nicæa, for the lawfulness of consecrating a layman, which Celestine declares to be beyond a dispensation in his age? Again; what are we to think of *Columbanus*, who alleges the authority of Justinian for the mode of electing *bishops*,* whereas Justinian expressly admits the ordination of *laymen three months after their election*, in direct contradiction to the authority of Celestine, who sent *saint Patrick into Ireland*, of Zosimus,† of Innocent I.,‡ of Siricius,§ and of the council of Sardica,¶ of which the canons were associated by the church of Rome with those of Nicæa?

Since *Columbanus* has kindly introduced to our notice Celestine I., who sent over *saint Patrick*, may I be permitted to quote the opinion of this pope, concerning the *divine right of the second order to discuss and judge* on causes of faith? His letter to the bishops of Gaul, rebuking their passiveness for allowing the memory of the glorious saint Augustine to be reviled by certain presbyters, and the *independent authority of teaching* to be assumed by the *second order*, is so very *exclusive* as to risk the following words: “ It is to your blame we may more justly impute this
“ disturbance,

* Columb. Letter first, p. 47.

† Ep. i. ad Hesygium Labb. ii. 1556.

‡ Ep. iv. ibid 126 ult. § Ibid. p. 1021.

¶ Can. xlii. (in Dionys. Ex.) x. in Greek.

“ disturbance, when those presbyters have *the licence*
 “ *to discuss over your heads.* What can be hoped for
 “ in a state of things, *where the masters are silent, and*
 “ *the scholars speak, who if the fact be as stated, could not*
 “ *have been their scholars?* I fear this silence may be
 “ *unavoidable.* I suspect, that they, *who permit*
 “ *others to speak so, are in reality delivering those*
 “ *sentiments—Let then the persons I advert to be*
 “ *corrected. Let them not be allowed to hold forth as*
 “ *the sole authority.*—My brothers, hold a consultation
 “ *with the persons of the Catholic laity.—Let those persons*
 “ *know, if yet they obtain the dignity of presbytership,*
 “ *that they are subjected to you.—For what is your*
 “ *business in the churches, if these persons shall take the*
 “ *chief authority, which is preaching? Unless, perhaps,*
 “ *you are prevented by the circumstance, that some*
 “ *of our brother bishops have gained admission to*
 “ *our college from the class of laymen, and are there-*
 “ *fore ignorant of their own rights.”* Celestine con-
 “ clude, “ We shall wait to be informed, that you feel
 “ displeasure, as we do, on these subjects. The proof
 “ we will expect, is, that *you have imposed silence on*
 “ *those perverse men, and that all complaints have*
 “ *been finally stopped.”**

What

* Epist. I. ibid. 8621. §. i. Vestrae dilectioni justius imputamus,
 quando illi (presbyteri) “ *habeant super vos disputandi potestatem... Quid*
 illic spei est, ubi magistris tacentibus hi loquuntur, qui, si ita est, eorum
 discipuli

What a pity, that Celestine I., *who sent over our apostle*, should have maintained such gross *Mahomedan* and *Castabalian* positions ! O that he had but lived fourteen hundred years longer ! Had he but lived to learn the *Traite de l'ctude* and the *Droit divin des curés*, and from *his own epistle* (as explained by *Columbanus*), that the clergy have a right of *resisting* and of *insisting*, of *judging*, and *discussing* on all points of faith ; that their *mission extends to the ends of the World*, and that they *cannot be silenced* ; had he but known this, he might have *taught saint Patrick* better things, before his journey.

To sum up what has been proved or refuted hitherto. The *first council of Nicea* enacted no *fifty-second*, nor any canon whatever concerning the recommendation or appointment by bishops of successors to their places. No *Roman council* under *Hilarus* took notice of any *such Nicene canon*. *Dionysius Exiguus*, by *arithmetical demonstration*, declares against the pre-

tended

discipuli non fuerunt. Timeo ne connivere sit hoc tacere : timco ne magis ipsi loquantur, qui permittant illis taliter loqui...Ergo corripiantur hujusmodi. Non sit illis liberum habere pro voluntate sermonem .. Habetote fratres carissimi pro Catholicae plebis pace tractatum. Sciant se, si tamen censeantur presbyterii dignitate, vobis esse subjectos...Nam quid in Ecclesiis Vos agitis, si Illi summam teneant praedicandi ? Nisi forte illud obsistat...ut aliqui de fratrum numero, nuper de laicorum consortio in collegium nostrum fortasse admissi, nesciant quid sibi debeant vindicare ..Intelligamus haec ipsa vobis, quae nobis non placent, displicere, quod ita demum probare poterimus, si, imposito improbis silentio, de tali re in posterum querela cessaverit.

tended Nicene canon. The chief propounders of the real Nicene canons, and the chief supporters of that council have proved by their acts, that no such canon as *Columbanus* has presumed was made at Nicca: yet *Columbanus* appeals to the *Nicene council*, and to *Hilarus* of Rome, and to *Dionysius Exiguus*, for an aid, which they not only cannot afford, but most expressly refuse. As to Celestine I., it is superfluous to tell over again, how ruinously for *Columbanus* he was dragged into the company of barefaced subornation.

In order to swell out his muster of forlorn authorities, *Columbanus* proceeds to examine, as it were, the nature of episcopal elections to the *see of Rome*. The pope, argues *Columbanus*, cannot appoint his successor; therefore, *much less* can a bishop appoint even a coadjutor to himself with the *hope* (i. e. the contingent right) of succession.

Let us grant, for the present, that *the pope cannot appoint his successor*. Let us not even seek to know by what positive law the pope is incompetent to make such appointment; but merely bear in mind, that he is the head of the Catholic church. Unless we are disposed to cast off all common understanding, we must see, that, instead of a parallel case, our author has urged an *exception*. What would you think of the man, who should argue thus *a priori*. The KING cannot bequeath his dignity to whom he pleases; therefore neither can the King appoint the line of succession

cession in a patent. Or take it thus; the King can neither bequeath nor devise his *kingship*; therefore no subject can devise his estate. “But is not the diocese of a bishop as interested in its own *episcopal* succession, as the church at large can be in the *papal*?”* That question I will leave to be answered by the feeling of each Catholic, nor do I care how it may be answered. But I will ask my own question. Is not the *local church* of Rome as well entitled to chuse its bishop, as any other diocese? Is this not a very natural question? Yet the church of Rome has its bishop appointed by a majority of *foreign electors*; by *presbyters* and *deacons* of Rome *in title*, yet, in truth by a majority of bishops from extern districts. The Catholicity of the Popedom, therefore, swallows up the domestic rights of the Roman diocese; and before

we

* Columbanus 4th letter p. 75. In the discussion from page 71, to page 77 of this fourth letter, there are astonishing discoveries: as for example; that the funds, assigned by the first converts in Rome for the subsistence of the clergy, were *named titles*;—that these *titles* being determined to certain churches, *as doors to their hinges*, were denominated *Cardinalitial*, from the Latin *Cardo*, a hinge; that the cardinal of each parish in Rome is the *titular*, that is, the *figure or picture* of the parish priest. (Columbanus has not provided for the parishes not *Cardinalitial*, or for the churches of *cardinal deacons*). He exhorts the effective parish priests of Rome to resume their rights,—to elect the Pope, and promises them a *real palm* of MARTYRDOM.

we can argue on the rights of a particular church, we are bound to search, as in the case of Rome, what rights the Catholic system has gained upon the forms of domestic election, leaving untouched, as this system must, in each church, all that is of faith, of morals, and of social duty. Has *Columbanus* made this search? Is he disposed, if even capable; is he capable, if even willing? Of this each reader will judge from what he has observed hitherto.

Now, by what law is a pope disqualified from appointing his successor? Is it by a Nicene canon, or by any regulation built on a Nicene canon? No; he is disqualified by the ordinances of his predecessors, which contemplated a state of things, wherein the electoral body should remain *free* to assemble and to chuse after a papal demise. Thus, in stating the restriction of papal power, *Columbanus* is as unfortunate, as he has proved in his diverging parallel. But *Columbanus* thinks little about the exactness of his facts or arguments, provided these be animated and clamorous. I am now to exhibit an instance of his sincerity in quoting, which I esteem more splendid than any yet adduced; but which, at all events, is superior to any thing attempted before his time.

“ Pope Symmachus convened a Roman synod in
 “ 499, at which *all the bishops* of Italy assembled, to
 “ *deliberate*

“*deliberate, how the Nicene canon already mentioned should be enforced, with relation to the holy see.*”*

The *Nicene Canon already mentioned*, namely, the 52d Arabic Canon, prohibits, as you remember, a bishop’s *electing or appointing for election* his successor. All the bishops of Italy therefore assembled in 499, according to *Columbanus*, in order to deliberate, *how popes could be hindered to elect or appoint for election* their successors. Hold this quite steady, and follow *Columbanus*.

“Then and there it was determined, that if during the pope’s life-time *any clergyman* should promise his suffrage, either in writing or by word of mouth, to any man, for a future election, or should hold any private conventicle *for the purpose of designating a future successor*, or even *of deliberating on the subject*, he should be degraded and excommunicated.”†

This, one would imagine, is decisive against the pope, if he should attempt to designate. The words, *if any clergyman*, are without exception to pope or bishop. But let us go on.

“And that *he only should succeed*, who was elected, *sede vacante*, by the free suffrage of all the clergy of Rome, or by a majority of voices, *canonically, that is, freely collected and obtained.*”‡

Most

* Columban. Letter fourth, p. 32. † Columban. Ibid.

‡ Columban. Ibid.

Most plainly by *this* regulation, the bishop of Rome could not *appoint for election*; because *he*, only and without exception, must succeed, who had been freely elected, *sede vacante*.

But *Columbanus* has forgotten to prove, that the synod meant to apply the 52d Nicene canon to the holy see. He does not even shew, that the fifty-second canon was mentioned in the synod. Granting however, as I presume the reader will, that the canon alleged was neither made at Nicca, nor thought of by the synod of *all the bishops of Italy* with Symmachus; he may still insist, that those bishops at least determined, that *any clergyman, designating* or even *deliberating concerning* a future pope, should be degraded and excommunicated; of course, that the pope for the time being *could not* designate. He may argue, that as *he only* could succeed, who might be elected *freely, sede vacante*, all papal recommendation was useless, besides exposing the pope himself to *degradation and excommunication*. He would argue justly from the text, as given by *Columbanus*. The synod itself however speaks differently. What would you think of *Columbanus*, if this very synod deliberately and expressly delared, that the pope *was authorized to designate his successor*, and that he should exert that right? What will you say, if the synod appears to prefer such *designation*, as the necessary remedy for intrigue?

Hear the opening address of Symmachus. “ My

“ earnest solicitude for the liberties of the church has
 “ assembled you, my dear brothers, in this special
 “ meeting, notwithstanding the inclemency of winter ;
 “ that by our joint deliberations we may the more
 “ efficaciously prevent, in future time, that spirit of
 “ intrigue for episcopal advancement, that confusion
 “ of principle, and that excess of popular riot, which
 “ took place at the time of my *ordination*, through
 “ the presumption of certain men.* And therefore
 “ let us determine and enact, distinctly and openly,
 “ what rule shall be followed for the ordination of a
 “ bishop of Rome.”† Of one falsehood we have dis-
 posed by the mouth of *Symmachus* himself. *This pope*
informs his council, that the evils to be provided against
 were those, which had occurred at his own election :
Columbanus informs his readers, that the object of the
 synod was to apply the 52d canon of Nicca to the
 succession of Rome.

Now attend to the regulations of the synod.

“ I. On

* Labb. iv. p. 1313. *Symmachus* Episcopus dixit; Concilium dilecti-
 onis vestrae, neglecta hiemis asperitate, sollicitudo nostra pro Ecclesia
 indemnitate specialiter congregavit, ut Episcopalem ambitum et con-
 fusionis incertum, vel popularem tumultum, quam per surreptionem
 Diaboli, usurpatione aliquorum, tempore ordinationis meae constat
 exortum, communicato pariter tractatu, in futurum possimus robuste
 ac vivaciter amputare.

† Ibi †. Atque ideo tractemus, expressis scilicet sententiis sancientes,
 quid circa Romani Episcopi ordinationem debeat custodiri.

“ I. On account of the many acts of intrigue, and
 “ the exhaustion of church property, and the popular
 “ collisions, which have arisen from the undue ambition
 “ of candidates for the episcopacy...this sacred synod
 “ ordains, that if any *presbyter, deacon, or clerk*, as
 “ long as the pope is in life, AND WITHOUT THE KNOW-
 “ LEDGE AND CONSENT OF THE POPE, shall presume to
 “ lend his name in writing for the matter of the bi-
 “ shopric of Rome, or make tallies, or bind himself
 “ by oath, or even promise a single vote, or hold
 “ private meetings to deliberate and decide on this bu-
 “ siness; such person shall lose his rank and be de-
 “ prived of communion.”*

Now what do you think of *Columbanus*? Attend however to the synod.

II. “ To the same punishment we subject the per-
 “ son convicted of having intrigued or attempted in
 “ this

* Labb, Ibid. Propter frequentes ambitus quorundam Et ecclesiac aviditatem, vel populi collisionem, quae molesta et iniqua incompetentes Episcopatum desiderantium generavit aviditas...constituit S. Synodus, ut si *presbyter* aut *diaconus* aut *Clericus*, Papa incolumi ET EO INCONSULTO aut subscriptionem pro R. Pontificatu commodare, aut pittacia committere, aut sacramentum praebere tentaverit, aut aliquod certe suffragium pollicere, vel de hac causa privatis conventiculis factis deliberare atque decernere, loci sui dignitate atque communiione privetur.

“ this cause, during the life-time of the pope, as already mentioned.”*

III. “ *If, which God avert! the decease of the pope should be so sudden, as THAT HE SHALL NOT HAVE BEEN ABLE TO DETERMINE ON HIS SUCCESSOR, AS ALREADY PROVIDED, and if the whole clerical body shall declare for one man, let that person so chosen be consecrated bishop. But if, as usual, there shall happen to arise parties in the election, let the majority of votes determine; provided however, that he shall be degraded from his priestly rank, who shall have been decided in his choice by the lure of promises, and not by honest judgment.*”†

What do you think of *Columbanus*? Was not the Roman council assembled in 499, in order to apply the fifty-second *Nicene canon* to the elections at Rome; and did it not enact, that *no designation whatever* of successors should be attempted?

By

* Ibid. Pari severitate feriendo eum qui hoc, vivo, sicut dictum est, Pontifice, quolibet modo fuerit ambisse convictus, aut certe tentasse.

† Ibid. 1314. Si, quod absit, transitus Papae inopinatus evenerit, ut de sui electione successoris ut supra placuit non possit ante decernere, si quidem in unum totius inclinaverit Ecclesiastici ordinis electio consecratur electus Episcopus. Si autem, ut fieri solet, studia coeperint esse diversa eorum de quibus certamen emerit; vincat sententia plurimorum: sic tamen ut sacerdotio careat, qui captus promissione non recto iudicio de electione decreverit.

By the proceedings therefore *under Symmachus*, we have discovered that in 499, that is to say, above one hundred and sixty years after the Nicene council, no such canon against *designation of successors*, as our author relies upon, had come to the knowledge of this Roman synod. Again; were we destitute of other arguments, the ordinance of this very synod would stand as unanswerable proof, that in the council of Rome, under Hilarus, assembled not forty years before, no general decree was made, nor were curses thundered out against the practice of appointing an episcopal successor, in the life-time of a bishop. For the use however of those, who may be not so *deeply* read as *Columbanus*, I will remark, that the canons of the council of Antioch, (that council, which confirmed the deposition of Athanasius, and sent off George the Cappadocian to replace him), were introduced to the knowledge of the church of Rome, in the sixth century, by *Dionysius Exiguus*,* when the infamy of their enactors was forgotten; and that the twenty-first, in order, of these canons is that, which, affecting to

maintain

* The Canons of Antioch are quoted, for the first time, by the church of Rome, in the schedule transmitted by John II. to Cesarius of Arles, in the matter of Contumeliosus the bishop, (Labb. iv. 1756). They are from the version of Dionysius, whose collection, as yet, had not made its way into the Gauls; for, in the appendix to the papal schedule, S. Cesarius quotes the ninth canon of Nicea from a different translation.

maintain the rights of the *episcopal college*, aimed at the abolition of the orthodox prelacy. This twenty-first canon, notwithstanding the wicked design of its framers, became useful in process of time, and therefore was extolled and was held sacred. As far as it went to retain in the episcopal class the chief authority of choosing, as well as the entire authority of consecrating bishops, it was good and serviceable against the inroads of temporal oppression. As far as it disaffirmed ordinations made without the consent of several bishops, it obviated the mischief of impropriation of the church revenues, as well as the secularization of church authority. In a higher point of view, the great principle, that the consecration of every bishop should have the highest evidence of *canonicity*, was well provided for, by the adoption of this twenty-first canon *in the West*, when the secular influence of kings or tyrants, or that of nobility, or of wealth, or of a worse influence, threatened destruction to every remnant of equitable freedom. That no one of these benefits or advantages is now to be possibly derived from the revival of *that canon*, because circumstances political as well as moral have veered to the opposite point of danger, and because the evidence of canonical appointment or choice has entirely altered for the better, has been partly demonstrated, and will fully appear from my next, and concluding letter.

Columbanus

Columbanus has *missed*, in his 52d canon, in his council of Hilarus, in his repentance of Augustine, in his council of Symmachus. His *fifty-second canon* has been shewn so pitiful a fabrication, as to impose on no sober man. His council of Hilarus has been rectified from the *council itself*, and its *execrations* have been *soothed*. The *repentance* of saint Augustine has been discovered *insincere*. Last and worst of all, *the council under Symmachus*, after thronging to Rome *from all quarters of Italy*, in 499, in order *to deliberate on the mode of applying to the H.* See an Arabic canon, *made up about 350 years afterwards*, this council is caught *in flagranti*; in the very fact of empowering a pope to *designate his successor*, and for the expressed causes of intrigue on the part of clergymen, of fury excited by them amongst the people, and of the sacrilegious alienation of church property to men in power, by those villanous candidates. But *Columbanus* has *one other* instance to produce in support of his 52d canon, and of his assertion, that, by *virtue of this canon*, the pope could not nominate his successor. Instead of availing myself of the right I have gained by proving, as I think was never done in any similar degree, that every text hitherto adduced by him is either affected by gross misconstruction, or is tainted by an abominable suppression of truth, or by unscrupulous suggestion of falsehood, in the very matters at issue; I willingly allow, that in the instance I am about to examine,

examine, he has an *ancient* voucher for every thing, *except his own additions.*

“Boniface II. indeed,” says he, “elected his own successor, in a *packed Roman synod* of the year 531; “but a subsequent Roman synod *compelled him to do penance* for so daring a violation of the” (Nicene) “canons. He *tore in pieces the decree by which he obtained the signatures of the clergy to that scandalous election*, and *this he did in the presence of the clergy and the people of Rome*: he burned it before *saint Peter’s confessional*; and he threw *himself on the forgiveness of the christian world by a public retractation.*”*

In

* Columbanus 4th letter p. 31. These assertions *Columbanus* maintains by a latin quotation from *Natalis Alexander* of these following words. *Bonifacius concta Romæ synodo, an. 531, successorem sibi, pessimo exemplo, designavit Vigilium Diaconum, clero consensum suum chirographis et jure jurando præbente et firmante. Sed postmodum, altera synodo congregata, poenitendum et canonibus contrarium decretum rescidit, and ante confessionem beati Petri, præsentibus Clero et senatu flammis tradidit, ut testatur Anastasius Bibliothecarius in ejus Vita. Ambitione Vigilii et consilio ad tam insolitum facinus impulsam Bonifacium ex Silverio papa colligeretur in decreto Anathematis adversus Vigilium, si genuinum esset, T. v. p. 275.* If any one of my readers has occasionally shrunk under the withering touch of literary effrontery; if ever he has enjoyed or suffered the mixed sensation of ridicule and disgust, from the triumph of ready-made scholarship, in the presence of an illiterate crowd, and on a question of dead languages; that reader may conceive pretty accurately what I now feel, when copying

this

In all this *Columbanus* has advanced nothing without authority, except the *packing of the synod*; the *compelling him to do penance*; the *obtaining signatures by the decree*; the *scandalous election*; the *tearing in pieces*; the *presence of the people of Rome*; and the *throwing himself on the forgiveness of the christian world*. If any other inaccuracies shall be presently found in the story, they ought in justice to be laid to the charge of his vouchers.

Yet *Columbanus* is not so servilely addicted to the use of vouchers, as to restrain himself in the *divine right* of making out *ex tempore* a more full and more *original* account of this very same transaction. “Boniface,” said he,* “wishing to anticipate the interference of the Gothic kings of Italy, convened a synod, and with the consent of that synod named his own successor.”*

This

this chef d'oeuvre of intrepidity and erudition, of which the *English* is addressed to those who cannot read the *Latin*, and the *Latin* is addressed to those who cannot understand it. *Cogere synodum*, i. e. to summon a synod, is translated by *Columbanus* to pack a synod. Is this ignorance, or is it frenzy? *Decretum poenitentium*, i. e. the *unfortunate resolution*, is translated by him, the synod compelled him to do penance for so during a violation of the canons. Is this laughable blunder, or pitiable visitation? The *Confessio*, or *Μαρτυριον*, or monumental martyrdom of Peter, he translates, the *confessional* of saint Peter. Yet *Columbanus*, if abuses were removed, is disposed to remain a Catholic, notwithstanding his acquirements. *Rescidit* also, i. e. he rescinded, he makes to tear in pieces.

* *Columb.* First letter, p. 74.

This is handsome enough : but it now appears, that between the years 1810 and 1811, Boniface was found guilty by *Columbanus* of having packed the synod of 531. He goes on. “ In order to render this decree “ the more binding, he demanded of the assembled clergy, “ that, having acceded to the nomination of Vigilius, “ they would all sign a decree of election in his favour, “ and swear to abide by it, whatever might be the will “ or pleasure of *Athalaricus* king of the Goths. The “ clergy agreed : the decree was signed ; they even “ swore to abide by it.”*

I have only to remark, that all I have lately placed in Italics, is pure, unalloyed fiction ; is perhaps so truly the invention of *Columbanus*, that he might apply *bona fide* for a patent, to secure his *Boniface and king of the Goths*. The rest is only blunder, in deranging his authorities, or mere want of discernment and heroism of appetite in swallowing huge *apocrypha*. He goes on.

“ But a few days had scarcely elapsed, when it occurred to some of them that this proceeding was utterly “ repugnant to canonical discipline.” The Italics, as I said, are fictions, *historically speaking*. Yet how beautiful is the *it occurred to some of them*, when the some of *them* cannot deny the anecdote !

“ The

* *Columb. First Letter, p. 74.*

“ *The pope himself began to feel he had acted illegally.*”

This also I set in Italics for the reason assigned. Still the fiction is elegant in the selection of a critical moment for the *beginning* of the pope’s remorse. The avowed object of *Columbanus* here is to prove, that the *pope cannot* appoint his successor ; his single illustration is the case of this Boniface. Yet, after relating the proposal of a successor, as well as the assent, and free signing and swearing by the clergy, on a sudden the pope *began to feel the illegality* of his act ; in other words, he *began to feel*, that he *could not appoint his successor*. This is exactly what *Columbanus* undertook to prove. Is it not ingenious to have proved the *illegality* of the act, by telling us, that Boniface himself *began to feel its illegality* ?

“ *The clergy became clamorous for another council to reconsider their act.*” This in Italics. But how consistently with dramatic rule does *Columbanus* persevere in making that class on all occasions disorderly ! They cannot even require another council for *re-considering their own act*, without becoming *clamorous*.

“ A new council was accordingly convened, and the question being *calmly re-considered*, the oath already taken was declared *unlawful*, as being repugnant to the sacred canons : the *Decretum* so unanimously signed was committed to the flames, and the old law
“ was

“ *was renewed, that no pope should nominate a successor for himself.*”

You will attend to the Italics, especially of the concluding assertion. Is it not the proof of an eccentric mental vigour, to complete a demonstration in this way? The pope *cannot* nominate his successor was the *thesis*, implying that some law or other forbade the nomination. What is the name of that *law*? When was it enacted? *Columbanus* answers, that Boniface II. appointed his successor; that a council agreed, confirmed and swore to the appointment; that Boniface soon began so feel, that he had acted *against the law*; that the oath was declared *unlawful*, i. e. *against law and against the canons*; that the signatures were burned and the *old law was renewed, forbidding the pope to appoint his successor*. So that you have only to *find out* the *old law*, and you will have learned, against what *law* Boniface II. trespassed.

Now to the fact. The only ancient voucher for the *substance* of the story is the pontifical book, called of *Anastasius the librarian*. To this book all the modern *favourite* historians have appealed, not excepting the last of them, *Sandini*, a little plagiarist of the coxcomb species. In this pontifical book, the lives of Boniface II. and of all the popes down to Nicholas I., i. e. to the middle of the ninth century, are of one and the same compilation. That the story is a pure fabrication

tion, will require a separate proof.* However the story is thus told by *Anastasius*. “This pope” (Boniface II.) “collected a synod in the basilic of saint Peter, and there made a public decree, that *he should ordain* his successor. Which public decree, being accompanied with the subscriptions and oaths of the priests” (or bishops) “before the *mar-torium* of saint Peter, he made his appointment upon Vigilius the deacon. *At the same time* a synod being repeated, all the priests” (or bishops) “quashed this in reverence to the holy see; and, because it had been done against the canons, and inasmuch as *Boniface himself* was blameable in appointing his successor, he acknowledged himself guilty of treason for having appointed, before the monument of saint Peter, the Deacon Vigilius by his own handwriting and obligation, and, in the presence of all the priests and clergy and senate, he burned to ashes the decree itself.”* Such is the original

* See note A. at the end of this letter.

† Hic congregavit synodum in basilica B. P. Apostoli et fecit constitutum, ut *sibi successorem ordinaret*. Quo constituto, cum Chirographis sacerdotum et jurejurando ante confessionem B. A. Petri in diaconem Vigilium constituit. Eodem tempore, facta iterum synodo, hoc censuerunt (or, cassaverunt) Sacerdotes omnes propter reverentiam sanctæ sedis; et quia *contra canones* hoc fuerat factum, et quia culpa eum respiciebat, ut successorem sibi constitueret, ipse Bonifa-

original falsehood, out of which the *favourite* historians, *Columbanus* included, have spun the ornamental and pathetic circumstances already given.

In this place I will meet the *Librarian Anastasius* with one only remark. If Boniface meant solely to designate his successor, how could that be against the canons, which not only was not interdicted by any canon known to the Roman church, but was expressly sanctioned and recognized, as we have seen, in the bishop of Rome, about thirty years before, in the council of Symmachus, and was distinctly justified by a preamble adverting to those mischiefs, which the schism of Dioscorus renewed? The *Librarian* seems to have been as little aware as *Columbanus* himself, of the provisions of the council. But, if the pretended decree of Boniface was, that he should *ordain* his own successor in that meaning, which the same pontifical book uniformly assigns to *ordination*, the grossness of the fabrication becomes intolerable. For Boniface is made to decree, that he shall *ordain his own successor*, and yet when he owns himself *guilty of treason*, he acknowledges, that his treason lay in the giving of his *own promise in writing to appoint Vigilius the deacon*.

This

cius Papa reum se confessus est Majestati, quod diaconem Vigilium suo subiectione Chirographi ante confessionem B. P. Apostoli constituisset, ac ipsum constitutum in presentia omnium sacerdotum et cleri et senatus incendio consumpsit.

This observation, as I think, is unanswerable proof of the forgery, if that forgery were aided even by twenty thousand *favourite* historians of the seventeenth age. I will not swell out my text with critical persecution of this superannuated calumny against Boniface II. *Columbanus* will pardon me, if I decline refuting further his humorous versions of the *poenitendum decretum*, and the *coacta synodo*. Though Latin idiom were annihilated, he must recollect, that no patriarch could be tried by his inferior bishops, for ecclesiastical delinquency: much more, he cannot but remember, that in the sixth century, no bishop could be put in penance, and yet retain or recover his throne. To *Columbanus* his own ideas on the subject may be excessively grateful, however false. Yet I am at a loss to justify the idleness of having said so much about his peculiar constitution of feeling.

From the sixth century, therefore, the canons of Antioch having gained credence and acceptation in the churches of Rome and Gaul progressively, through the version of Dionysius Exiguus, the designation and recommendation by bishops even about to depart, of fit persons to succeed them, came into disuse, with various consequence to the interests of christianity; by which are meant, and in which are involved the purest, kindest and most durable interests of mankind. During the same sixth century, bishop Martin of Braga, being

being a Greek and able to translate into Latin, edited his summary of Greek canons, in which those of Antioch are extracted, and the old popular election of the West is made to disappear. The collection of *Dionysius* reigned until long after the compilation by *Isidorus Mercator*. In fact, the former never lost authority, and the latter never gained universal introduction. In the ages, called *dark*, the adherence to positive canons was so inflexible, that from this simple principle, considered along with the impracticability of making the canons themselves available on most occasions to justice and to piety, the greatest accession of official interference, and therefore of executive prerogative, redounded to the head of the Catholic church. The provincial synods, in which not only ecclesiastical causes, but the allowance of episcopal candidates and their ordination, used to be performed, had long since fallen into oblivion. The attempts to revive them were ineffectual, because dictated or supposed to be dictated by individual tyranny. Bishoprics swelled up into princely estates: of course they became objects not of clerical reward, but of military ambition or spoliation: and had not the imperishable mind of christianity raised up champions in the guise of monastic philosophy; the armed brutality of soldiers, and the impious daring of wealth long since would have quenched every ray of the gospel.

This

This practice of *designation* having been revived in Ireland, according to *Columbanus*, by our Catholic bishops, *against all right and law*; and this abuse, as it seems, having chiefly stirred up his zeal to offensive operations, the reader must expect to be informed of his statement. “The *truth* is,” writes *Columbanus*, “that 21 suffragan bishops have entered into a solemn compact with the four archbishops of Ireland, that they, the suffragans, shall be allowed to *bequeath* their respective dioceses to whomsoever they please, provided the archbishop is allowed to do the same.”*

Against this assertion, so emphatically made, I have the very best authority for declaring, that no compact, no agreement, no compromise of any kind has been entered into, between the archbishops or any one of them, and the suffragans or any suffragan, regarding the mode of appointing or electing their several successors. I am authorized to declare the assertion to be destitute of truth in every sense, and every construction. It is not my present business to dwell upon the enormity of conducting a warfare of *reformation*, with such unscrupulous rage.

Of this *solemn compact*, however, which has no existence, *Columbanus* has alleged instances. “Thus,” says he, “Doctor Troy has *bequeathed* Dublin to a

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“ Mr.

* *Columban. first letter p. 12.*

“ *Mr. Murray* ; Doctor Dillon has *bequeathed* Tuam
 “ to a *Mr. Kelly* ; other bishops have already *elected*
 “ their successors, without the *least reference to the*
 “ *feelings* of the subordinate clergy, gentry or nobi-
 “ lity, and *this* is stiled canonical election.” To pass
 over the six concluding words, solely meant for an
 appropriate flourish, I confess myself unable to de-
 cipher what *Columbanus* intended by his *reference to*
feelings. In the first reading I surmised, that the
want of a reference to feelings conveyed an accusation
 against our bishops, as if they had selected clergymen
 of illiberal manners, or of unclerical lives, or obnox-
 ious to the higher class, or quarrelsome, or vindictive,
 or turbulent: but this is so notoriously *not* the fact,
 that I will not impute to our author the ridiculous
 calumny. I next consulted one of our archbishops ;
 and he professes himself to be completely in the dark
 with *reference to the feelings*. This much indeed may
 be gathered from the introduction of those *feelings*,
 that, in the view of *Columbanus*, the *bequeathing* is not
 the height of the offence ; that it is not the violation of
 the *fifty-second Nicene canon*, or of the council of Hi-
 larius he principally relents, but the aggravating cir-
 cumstance of not having made *those feelings* accom-
 plices in the violation.

Since *Columbanus* has pushed his *divine right of judg-*
ing into the four courts, as well as into the imperial
 saloon of Constantine, and vouchsafes to misuse the

black

black letter *terms of the law*, as if they had been Toledo canons, or *vicars apostolical*; I respectfully suggest, that the *bequeathing* of a diocese and the *taking of a coadjutor*, even with *hope of succession*, are very distinct in proceeding and in consequences. In the former case, as long as the will is ambulatory, that is to say, during the life-time of the testator, the power and consequence of the bishop are not diminished by the execution of a presumptive will: each expectant redoubles his obsequiousness to the very last. On the other hand, when once a bishop has obtained a coadjutor with the chance of survivorship, he has remitted whatever controul he had possessed over the state of *that church*, after his death. No episcopal candidate will either flatter or dissemble now. Thus, while the case of *bequeathing*, unless necessity be shewn or eminent zeal be presupposed, does savour of profanation and impiety, setting apart all church laws; still the adoption of a coadjutor *cum spe successionis*, unless either the object of choice, or the person chusing be supposed an unworthy man, would claim a favourable explanation; if church laws had not interdicted to bishops such power of adopting.

Now to you, *Columbanus*, and to your *modern compact*. I am not about to criticise that debasement of language, which substitutes a *bequest* of sees for the *postulation of a coadjutor with survivorship*. I merely will

will give to the public a document, from which every man will be able to judge of your hardihood in asserting a *modern compact*, and in attempting to conceal the ancient practice of the Catholic church in Ireland. Here is a list of coadjutor bishops.

A. D. 1755, Dublin. Richard Lincoln, D. D., appointed coadjutor on the postulation of archbishop Linegar, succeeded in 1757.

1771. Cashel James Butler D. D., appointed coadjutor on the postulation of archbishop Butler, succeeded in 1773.

1782. Richard O'Reilly, D. D., appointed coadjutor to the Catholic church of Armagh, succeeded archbishop Blake.

1772. William Egan, D. D., coadjutor to Waterford and Lismore, on the postulation of archbishop Creagh, succeeded in 1775.

1773. James Geoghegan, D. D., coadjutor to Meath, on the postulation of bishop Cheevers, who survived him.

1776. Andrew Donellan, D. D., coadjutor to Clonfert, on the postulation of bishop Donellan, succeeded in 1778.

1780. W. Coyle, D. D., coadjutor to Clonfert, on the postulation of bishop Philip O'Reilly, succeeded in 1781,

1781.

1781. Richard O'Reilly, D. D., coadjutor to Kildare and Leighlin, on the postulation of bishop Keeffe, in 1782, appointed coadjutor and administrator to the Catholic church in Armagh.

1782. James Caulfield, D. D., coadjutor to Ferns, on the postulation of bishop Sweetman, succeeded in the following year.

1783. Daniel Delany, D. D., second coadjutor to Kildare and Leighlin, on the postulation of the same bishop Keeffe, succeeded in 1787.

1783. Charles O'Reilly, D. D., coadjutor to Kilmore, on the postulation of bishop Maguire, who survived him.

1788. William Copinger, D. D., coadjutor to Cloyne and Ross, without any postulation from bishop M'Kenna; but in pursuance of the instant recommendation of archbishop Butler, Doctor Moylan and other prelates in Munster, as well as of archbishop Troy, has succeeded to bishop M'Kenna.

Such are the *old* instances of the *modern compact*, and the *late innovation*. All the coadjutors above-mentioned were appointed *without any lay influence or mediation whatever*. The more recent appointments are these following;

1800. Florence M'Carthy, D. D., coadjutor to Cork, on the postulation of bishop Moylan, with the recommendation of the provincial bishops, and of all the
Metropolitans,

Metropolitans. This great bishop departed in 1810.

1802. J. O'Shaughnessy, D. D., coadjutor to Killaloe, on the postulation of bishop Mac Mahon, succeeded in 1807.

1805. James Dillon, D. D., coadjutor to Raphoe, without postulation from the bishop, but at the instance of the provincial bishops, and all the Metropolitans, was translated, at the same instance, to Kilmore, on the death of bishop Maguire.

1805. Patrick Ryan, D. D., coadjutor to Ferns, on the postulation of bishop Caulfield, with the recommendation of all the provincial bishops, and of the four Metropolitans.

1810. Daniel Murray, D. D., coadjutor to Dublin, on the sole postulation of archbishop Troy.

At the present there remain only these two coadjutor bishops in the Catholic church of Ireland. In all those later appointments the same *want of lay influence* prevailed, as in the more ancient coadjutorships.

So much for the *novelty* of the system, and for its connection with an *ecclesiastical treaty* between the present archbishops and bishops. So much for the candour and accuracy of the terms, *bequeathing a diocese*, and for the horrific charge of doing so without the *smallest reference* to the *feelings* of the gentry and nobility. I give up bishop Murray into the compassionate hands of *our author*, who will debate the point
with

with the Irish prelates and the Dublin clergy, and with the protestants and catholics of Dublin, whether the *feelings* of our *gentry* and *nobility* were derided or were honoured by bringing them into question here. But I cannot use the same politeness, with regard to the ungracious and reprehensible mention of the *coadjutor to Cork*, deferred by *Columbanus*, until bishop MacCarthy had terminated his *glorious decennium* by death. Yet it is enough to point to this misbehaviour. The inhumanity of *Columbanus* wanted not this further illustration: the national regret had had no occasion for this strange *memento*.

I have reserved the instance of Tuam, *bequeathed to a Mr Kelly*, for a separate paragraph. In further illustration of his solemn compact, our author continues; “Mr. Kelly might have been, for *various reasons*, objectionable; very true.”—This amicable way of *surrendering* the character of a man without his permission, is a new *jure divino* method of libelling, and yet escaping an issue. “Yet it was deemed expedient, rather than violate the *compact*, to force him on the province, in *despite of the opposition of all its suffragan bishops*.” Here we have got a Delian problem. The suffragans had already become parties to a solemn compact, of which the effect was, to guarantee to each archbishop and bishop the free privilege of bequeathing his several church. The
 archbishop

archbishop in Tuam *bequeaths* his see, and his suffragans turn *faith-breakers*, without the exception of one ! This is very bad. An indifferent man, indeed, might collect from the fact of a *general opposition*, that no compact had been entered into : but our author, who shines in the combination of impossibilities, does not boggle at so petty an objection ; for, the compact must be supposed real. Next, the suffragans are made to *oppose* its intent : lastly, the *legatee* of the diocese is *forced* upon the province, after those suffragans have *acquiesced*, for their own sakes, in the *last will* of Doctor Dillon. This highly ingenious narrative will appear still more interesting, when I have informed the reader, that *all* the provincial bishops, or the greater number are still in opposition *to a Mr. Kelly* ; and that this Mr. Kelly has been postulated for by the chapter, and by all the parish priests of the Metropolitan diocese, excepting three clergymen. The merits of the respective causes have been removed to abide the determination of the proper judge. To draw the causes back into the fund of popular amusement, would be now inexcusable wickedness. It would ill become me, the vindicator of episcopal right, to hazard an opinion in a case entirely regarding their powers ; it would be unnatural in me, not to feel solicitude for the unanimity and glory of that provincial church.

We

We enter now upon a subject, which to the lover of truth and certainty must prove more grateful than the dry investigation we have finished, concerning the stratagem of coadjutors *cum spe successionis*, said by *Columbanus* to have been *lately* devised. Our author is proceeding to declare the law of *canonical elections*: and if any reader should open my book at this passage, I request him, if an occupied man, to read barely until he has made up his opinion on the general accuracy of *Columbanus*, and how far such suppressions or fictions as he will meet, can stand with the assumption of honest *authorship*; or with the most tiny pretension to learning, if the errors be not deliberate, as I take them not to be. His *prospectus* is this; “*The present mode of appointing Catholic bishops in Ireland, hostile to the canons and repugnant to the discipline and spirit of the Catholic church.*”* *Arma virumque canit.* What *Columbanus* nicknames the *present mode* we have seen. But I wave the past blunders, lest I should be crushed by a new victory, and sink under the rubbish of double spoils. Let us hear the lawgiver.

“It is known to all acquainted with ecclesiastical history, that one of the UNIVERSAL rules, handed down from age to age for the appointment of bishops, is, that no bishop shall be forced on any diocese, without

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“ the

* Hard. iii. 538.

“ *the consent of the majority of their clergy, and of the*
 “ *representatives of the people.*”

This *universal rule* must have then prevailed in all the great churches of Christendom. This rule handed down *from age to age* must have been *original*, and be still in force *somewhere*. Of these points we will take notice in due time: but first I will shew his learned authorities, beginning with his text.

“ *The Spanish clergy, always very tenacious of their*
 “ *ancient discipline, but more particularly before the*
 “ *Moorish invasions in the seventh century, carried*
 “ *this rule somewhat farther.*” The Spanish clergy had never been tenacious of *any discipline*, nor practised any regular discipline, until between the fifth and sixth centuries. That church was the most ignorant, undisciplined and pitiable church in the christian world, if either their own bishops, or councils, or the Roman popes, consulted by *the Spanish clergy*, are to be depended on. Let us go on.

“ *The Spanish clergy, knowing, that he who can*
 “ *obtain a Mitre by private intrigue, will not stop at*
 “ *simony, but will also privately tarnish the characters*
 “ *of those who stand in his way, held a national coun-*
 “ *cil at Barcelona, in 599, and there came to the fol-*
 “ *lowing decision.*”

In this paragraph there are but three falsehoods. The first, that it was held by the *Spanish clergy*, whereas the council declares itself a convention merely
 of

of *bishops* : the second, that the council was *national*, whereas the council declares itself a meeting of the bishops of *one province*, namely, that of Tarragona : * the third falsehood consists in the words I have marked in Italics, which are, without the exception of a single letter, the invention of *Columbanus* himself. But let us attend to the decision.

“ Whenever a vacant bishopric is to be filled, two
 “ or three candidates *shall* be elected by the clergy and
 “ the people of the vacant diocese, who shall present
 “ them to the Metropolitan and his brother bishops ;
 “ and they, having first fasted, *shall cast lots*, leav-
 “ ing the determination to J. C. Then he, *on whom*
 “ *the lot shall fall*, shall be consecrated.”

With the leave of *Columbanus*, I will give *my* account of the canon. After interdicting ordinations to sees, *per saltum*, notwithstanding any king’s rescript, or assent of bishops and clergy, or desire of the laity, it continues ; “ So that, *when either two or three*, previously chosen by the agreement of clergy and people, shall have been presented to the *judgment* of the Metropolitan and to his fellow bishops, that person,
 “ whom

Cu m Duce D. N. J. C. die Kal. Nov. anno feliciter xiv. Regis Christianissimi et piissimi Dni Reccaredi Regis, *Taracensis Provincie Episcopi*, in urbem Barcinonensem...fuisent congregati, hoc *Sancta Synodus statuere elegit.*

“ whom the *lot shall appoint, our Lord deciding, shall*
 “ be consecrated.”

The *casting of lots, and the lot falling on one*, are embellishments added by *Columbanus*. The *lot* in this canon is nothing else, than the concurrence of the episcopal *judgment* with that of the clergy and faithful. Our author, in his eagerness to compliment the Spanish clergy, forgot to read the canons themselves; as he might thus have learned, that they are the forgery of a *Græculus*, and that the *sors* or *lot* is the *κληρος* of the Greeks, and *Judicium Dei* of saint Cyprian.* The national council of Barcelona, and the patriotic Spanish clergy, are now disposed of. To *Columbanus* again.

“ The *christian elections* were made on this principle from the first ages of the church.”

This you will remark is what he is about to prove.
 “ And with such order, care, and decency that...
 “ Alexander Severus, though a Pagan emperor, when-
 “ ever he appointed governors of provinces, or receiv-
 “ ers of the public revenues, first proposed their names,
 “ desiring the people to bring forward evidence against
 “ them, if unfit, or guilty of any crime, but not to
 “ accuse them falsely at the peril of their lives; for,
 said

* See note B. at the end of this letter.

said he, it is unreasonable, while Christians and Jews
 “ follow this rule in *proposing those whom they appoint*
 “ *ministers*, that we should not adopt it in the appoint-
 “ ment of governors, to whose hands the lives and
 “ fortunes of men are committed. (Lamprid. in vita
 “ Severi c. 45).”*

With humble deference to Alexander Severus, although instructed by his mother Mammaea, a Judaizing christian, the adoption of the rule shewed at once the rectitude and elegance of his temper, and the paucity of his understanding. No worse device could have been resorted to for *oppressing*, than that, which invited public accusation against powerful men, with the alternative of death in the case of failure, if the supposed injured persons, or accusers generally were bound to come forward in person. It was a test of innocence, pretty nearly resembling the proof of the KING'S *droit*, that results from the silence of the multitude at Westminster, when at a coronation the champion rides in after the feast, and challenges peers, bishops, aldermen and Sheriff's ladies to take up his gauntlet. But, supposing the ordinance very wise and to have been copied literally from the ecclesiastical polity of that age, I find, that it was not the express consent, but the silent acquiescence of the faithful,

† The words of Lampridius which *Columbanus* translates, in *proposing those whom they appoint their ministers*, are, in *prædicandis sacerdotibus qui sunt ordinandi*; i. e. by publishing the names of those who are to be established their priests.

ful, that was required in the consecration of *bishops*. I would infer, that the use or object of appealing to the people was not to gain their votes, but to elicit the truth from their knowledge ; especially as those *ministers* of the christians had the possession and disposal of all the church property. I hardly will concede, that, although *publication of Banns* is an established condition previous to legal celebration of marriage, the parties solemnizing can accurately be said to be married with the consent of the *representatives* of the people. This instance therefore, as a leading illustration of the christian practice, may be valuable. As to the *consent*, in the meaning of our author, to be given by the people or by their *representatives*, it proves nothing. With regard to the *universality* of the rule, it proves less than nothing. Again for *Columbanus*.

“ In fact, the *apostles* committed the election of the “ *deacons* to the disciples.” *Peter* did commit the election to *all* the disciples, and the reason is manifest ; because the temporal office was the object of immediate election, and because some disciples murmured against what they conceived to be national partiality. *Columbanus* forgets to prove, that the apostles committed the election of *deacons* to the *representatives* of disciples, or that of *bishops* to the *disciples*. Saint Paul did otherwise. When did the apostles practice the *universal* rule ?

“ Saint

“ Saint Jerome says, that this discipline was invariably adhered to from the days of saint Mark in the church of Alexandria; that *until his own age,* the presbyters of Alexandria uniformly elected the bishop from amongst themselves.*” We have examined that assertion at large. But saint Jerome says, until Heraclas and Dionysius, which means one hundred and twenty years *before his own age*; in other words, about half way between the death of apostles and the days of saint Jerome. But, in the name of sound sense, does the discipline of Alexandria, whereby *presbyters were the sole electors of their bishop, until the year 260*, prove it to be an *universal rule from the earliest times and handed down from age to age*, that the consent of the *representatives of the people* was required?

“ Saint Athanasius argues, (in Ep. ad orthodox.) that Gregory, who was appointed to the see of Alexandria by the Arians, was an intruder, because he was not elected by the postulation of the clergy and
“ people.”

* The text of saint Jerome is given by *Columbanus in latin*, without version, parody or appendages. Now *Columbanus*, when he has a text, makes excellent use of it, and never hides his flambeau under the bushel of a dead language. Unfortunately no *peop'le*, or *popular representatives* were in the text, which *Columbanus* manfully puts on front, with the preface; “ Saint Jerome says, they adhered to this discipline,” i. e. the discipline expressly negatived by the text adduced. Yet this is the *Columbanus*, who requires general admission to *syneds*, because whatever is not public must be inquisitorial.

“people.” This argument of saint Athanasius, and the *Latin* words given by *Columbanus*, are copied from Natalis Alexander, (T. 3. p. 126), with this only difference, that, in that author, Athanasius is said to prove the intrusion by *this also amongst other arguments*. One answer shall serve this and the following. “Pope Julius I., argues against the same Gregory from the same apostolical discipline; *Quia nec multis notus, nec a presbyteris nec ab episcopis nec a populo postulatus fuerat*. In epistol. ad oriental.”

The English of the last quoted Latin text, is *because he was neither known to many, nor postulated for by the presbyters, nor by the bishops, nor by the people*. *Columbanus* gives the Latin without a translation. Why so? I charge him with having had a meaning in this. Why not inform his readers, that pope Julius I. required the postulation of *bishops*, as well as of the *representatives of the people*? For *bishops* are found in the text; *representatives* are not to be found.

The text, however, is adduced very impertinently. I can hardly blame *Columbanus* in this particular. He trusted implicitly to Natalis Alexander (T. 3. pages 127. 128. 129), while he quoted him only for two or three supplementary instances. But since he has plumed himself in the erudition of that *learned Theologian*, he will bear to be told, that Julius I. is not insisting on the positive canonical rule, nor stating it. He is shewing, *ex abundanti*, the irreligion of those at
Antioch

Antioch, in sending Gregory (or George) in the place of Athanasius falsely condemned. His words, without mutilation, are these ; “ It was unlawful, that such
 “ innovation should be attempted against any church.
 “ What church rule, what apostolical tradition will
 “ bear out this ; that *while a church is undisturbed by*
 “ *dissention, and while so very many bishops hold una-*
 “ *nimously*” (i. e. communion of government) “ with
 “ the bishop of Alexandria, Athanasius, one Gregory
 “ should be sent off thither, a stranger to the city,
 “ neither baptized there, nor generally known, nor
 “ called for by any presbyters, by any bishops, by any
 “ laity ?...Supposing, that Athanasius, in pursuance
 “ of the synodical examination, had been found in
 “ blame, yet no ordination so lawless and subversive
 “ of church rules ought to have taken place. *The*
 “ *bishops of the province should have ordained a person*
 “ *of that same church, a person of the sacred class there,*”
 (i. e. a presbyter or deacon), “ *a clerical person.** The
 “ rules derived from the apostles should not have been
 “ done away.” The context, and the ending part, in
 which Julius tells *positively* how a bishop of Alexan-
 dria should have been ordained, and in which no *re-*
presentatives of the people are even hinted at, give the
 best comment on the scrap, uncritically put forward
 by our author. Let us return to *Columbanus*.

“ This primitive discipline” (of the requisite con-
 sent of the clergy, and of the *representatives* of the
 3 x people),

* Οὐκ ἔστι, κ. τ. λ.

people), “ was founded on the apostolical canon, that
 “ a bishop should be blameless and of *good report.*”
 Our author relies on the *good report*; forgetting, as it
 is not unusual with him, the words subsequent. The
 apostle requires “ a candidate for episcopacy to have a
 “ good repute *amongst the unbelievers.*”* Did saint
 Paul treat the *representatives* so very unhandsomely as
 to indicate them by these words? Let us hear some-
 thing more.

“ It” (namely the *discipline* last mentioned) “ was
 “ so rigorously adhered to in the election of Popes,
 “ that he who was not so elected, was *always considered*
 “ *an intruder...* Pope Innocent states the *validity* of his
 “ own election, *consentientibus sanctis sacerdotibus,*
 “ *omnique clero ac populo* (Innocent I. ad Anys. Labb.
 “ T. 4. p. 1701 et in *Pere Coustant* 739).”

Columbanus, instead of translating his text, sends us
 down to a note, from which we learn, that the words
 were written in 401, *thirty years before the mission of*
saint Patrick. This shyness is not forgetfulness.
 The words, so far as he has given them, mean, *with*
the consent of the reverend bishops and of all the clergy
and laity. This did not bear to be englished, in
 proof of his grand rule.

Are we then to suppose, that Innocent I. states the
validity of election, as depending on the consent of the
 bishops, *of all the clergy and all the laity?* He had not,
 it

* Titm. I. ch. 3. v. 7.

it seems, even one vote above what was *necessary*. I should be glad, after all, to know from himself, whether he states the *validity* of his election upon such grounds. His words are these to Anysius of Thessalonica. “ Our Lord God, having vouchsafed to summon to himself, though soon, pope Anastasius, a man of blessed memory...lest his church, *even for a little time*, should be left unsteered by a ruler, I am bound gratefully to relate, that *without a moment’s delay*, and *in his great bounty*, the reverend bishops, and all the clergy and people coming to agree in that spirit of peace, which HE returning to Heaven was pleased to bestow, I was established in this place, my well-beloved brother.”* What Innocent gratefully recollects, as a merciful interposition, and as an extraordinary benefit, was, according to *Columbanus*, but the proof of a *valid* election. What *Innocent* declares to have been salutary mercy, lest the church, *even for a little space*, should feel the want of a pilot, is for *Columbanus*, but the *universal rule* handed down from *age to age*. And how does *Columbanus* prove his assertion?

Look

* Dilectissimo Fratri Anysio Innocentius. Cum Deus noster Christus S. M. virum Anastasium Episcopum, licet celeriter, ad se vocare dignatus est...*ne ejus Ecclesia aliquantulum sine Rectoris gubernaculo remaneret, statim pro sua misericordia, consentientibus sanctis sacerdotibus, omnique clero ac populo cum pace, quam Deus Ecclesiae suae rediens ad cœlum donasse dignatus est, ordinatum me in ejus locum, frater carissime, par fuit recognoscere.*

Look at his text; then look at the words of Innocent. He has *proved*, by culling out *seven* words from a phrase of more than *sixty*. Shall we see more?

“ The fourth council of Orleans decreed, and for
 “ the *Catholicity* of this decree appealed to *ancient*
 “ *canons*, that bishops should be elected by the clergy
 “ and people, *with the consent of the civil power.*”

With the consent of the *civil power*! Ah, Columbanus! this is not good faith. You had dated your universal rule from the apostolic age. Your *representatives*, in *that* age, must have been *christians*, and freely chosen by *christians* to represent them in ecclesiastical elections. How could you think of bringing in thus abruptly the *civil power*? The fourth council of Orleans, you say, is your authority. I will not ask you for what. You have forgotten your *universal rule*; and, not to torment you any longer, the *fourth* council of Orleans has not one word about the *civil power*. Let us get on to the *fifth*, which you undoubtedly meant, by your remarking, that, of the *archdeacons* and *deacons* and abbots and priests and bishops subscribing, nineteen are numbered in the calendar. No archdeacon or deacon was in the *fourth* of Orleans subscribing, nor was any Abbot there. In the fifth of Orleans, we know, that there are such persons subscribing, *as proxies for their bishops*. Let us see therefore, in what manner the *fifth* of Orleans *decrees*, and appeals to *ancient canons* for the *Catholicity* of its decree,

cree, that bishops should be elected by the clergy and people, with the consent of *the civil power*. I give the words, not as you *extract* them from Natalis Alexander, but as they appear in all the editions. Canon x. “ Let
 “ no man be suffered to obtain the episcopal station by
 “ bribes or by purchase; but, the KING’S ASSENT
 “ concurring, let each pontiff, in pursuance of the
 “ choice of clergy and people, *according to the ancient*
 “ *canons*, be consecrated by the Metropolitan or his
 “ delegate, in union with the provincial bishops. If
 “ any one, by bargaining, shall trespass the order of
 “ this sacred enactment, we decree, that the person,
 “ so corruptly ordained, be put aside.”*

Now, *Columbanus*, I am really compelled to make a few strictures on *your fourth* council of Orleans. The first remark is, that you have misrepresented the text, by transposing the *consent of the civil governor*, in order

* Aurelianens. v. Can. x. Ut nulli episcopatum liceat præmiis aut comparatione adipisci, sed, *cum voluntate Regis, juxta electionem cleri ac plebis, sicut in antiquis canonibus tenetur scriptum*, a Metropolitano, vel quem is vice sua præmiserit cum provincialibus pontifex consecretur. Quod si quis regulam hujus sanctæ Constitutionis, *per coemptionem* excesserit, eum, qui per præmia ordinatus fuerit, statuimus removendum. Labb. v. 392 Hard. I have translated, *coemptionem*, as it will bear the meaning of *buying up*, and thus be pointed against corrupt voters. Still I have no doubt, from a review of the extreme precision and accuracy of the Gallican canons, that, *per cotemptionem* (i. e. *contemptionem*) was the original writing.

der to make that consent, an ingredient *required by ancient canons*, and a piece of *catholicity*. My second remark is, that you have, by no very liberal species of conjuration, transformed the KING Childepert into a *civil governor*. Undoubtedly every king is a governor: but whenever it happens, that the whole of a controversy may turn, as in the present instance, on a general or specific denomination, it is swindling the question, to substitute the general term for that which is more restricted. The christian *kingdom* of the Franks had had but the existence of fifty years, when this canon was made. This being so, it would have struck every man, if you had fairly given KING instead of your *civil governor*, that, by no possibility, could the bishops at Orleans have appealed to *ancient canons*, for the *catholicity*, or universality of a rule, necessarily recent or made on the spot. Why then so disrespect the truth, *Columbanus*? Which is likelier to survive; the advantage gained by this trick, or the record of its detection? My *third* expostulation is, that you would conceal from your readers, that this *assent* of the *king*, whom you change to *civil governor*, is an interpolation. Did you not observe, *Columbanus*, the remark of Sirmond in his notes, that in three of his best manuscripts, the words, *cum voluntate regis*, are not extant, and that there is a different reading, which evidently

is

is the true one? * Did you not also remark, that in the contemporary canons of Auvergne II., which are transcribed from those of Orleans, † the *king's assent* is also wanting?

I will not ask *Columbanus* to explain, how this pretended *Catholic* decree came to be omitted in the *real fourth* and in the *third* councils of Orleans, though held within eleven years before the synod in question. Neither will I pray him to reconcile the sense of his pretended tenth canon with that immediately following; inasmuch as the eleventh canon forbids *powerful characters* to interfere, with overweening influence, in elections, and to reduce by such means the clergy and citizens to a consent; the penalty being of perpetual deposition against the bishop elected through such influence, which by the fathers is declared to be *force*. † *Columbanus* has positively discovered, what I cannot, a connection

* In annot. Jacobi Sironi. *Cum voluntas Regis...Fossatensis, Bellovacensis et Tilianus; sed sicut in antiquis canonibus tenetur scriptum, cum consensu cleri et plebi, a Metropolitano &c.* The council evidently alluding to the letter of Celestine I., directed to the two provinces, as well as to the 89th of Leo, to the bishops of the province of Vienne.

† Labb. v. 402.

† Aurelian. τ. Can. xi. *Item, sicut antiqui Canones decreverunt, nullis invitis detur Episcopus: sed nec per oppressionem potentium personarum ad consensum faciendum cives aut clerici, quod dici nefas est, inclinentur. Quod si factum fuerit, ipse Episcopus, qui magis per violentiam quam per decretum legitimum ordinatur, ab indepto pontificatus honore in perpetuum deponatur.*

connection of some sort between the *catholicity* of his assertion at the outset, concerning the representatives of the people, and the text he has lately brought from Orleans, concerning the *catholicity* of the *civil governor's* consent, over and above that of the *people at large*.

“ The fifth council of Orleans, held in 549, appeals “ *in like manner to the venerable authority of ancient “ councils in confirmation of this decree of the 4th.*” The *fifth* council of Orleans is that which we have just examined and quoted : the *fourth* of Orleans has not a word on the subject. Does this fifth allude to the *fourth* of Orleans? No surely.

“ Natalis Alexander observes *on both* that the authority of the *civil power* in the election of bishops “ was very great, and the consent of the Roman emperor was required in the election of popes.” Natalis Alexander does not observe *on both* : he distinctly refers to the fifth of Orleans,* as the first canon on the subject ; although he shews that the abusive *practice* had been antecedent to the canon, and had begun *early* in the sixth century. After the words quoted by *Columbanus*, Natalis adds, “ *This practice was introduced by “ violence rather than by legitimate discipline.* How- “ ever the church *tolerated* the practice, and yielded “ to the sovereigns, in order to avoid schism, and to “ obtain

* T. 5. p. 449.

“ obtain their protection, which was highly necessary]
 “ for the *keeping down of heretics*, for having the ca-
 “ nons enforced, and for preserving from dilapidation
 “ the church property.”* I spare comments, as well
 on the fair-dealing of our author, as on the help he has
 derived to the *catholicity* of his rule from the learned
 Theologian.

Having gone over the authorities put forward by
Columbanus in his text, we will travel down to those
 given in his notes. The first from Leo the Great to
 Anastasius of Thessalonica. “ In the case of episcopal
 “ elections, let that one be preferred to all, whom the
 “ unanimous agreement of clergy and laity shall call
 “ for; provided, that, if the voters be divided into
 “ several parties, that one” (candidate) “ shall be
 “ preferred to another, who is assisted by the superi-
 “ ority of interest” (votes), “ and by greater deserts,
 “ as the Metropolitan shall decide: this always observed,
 “ that no person be established as bishop where the
 “ people are repugnant, or there are none to call for
 “ him; lest the flock, having such repugnance, either
 “ scorn or detest a man not sought for, and from not
 3 Y “ being

* Natalis Alex. T. v. 448., immediately after the words quoted by
Columbanus. Quam consuetudinem *Vis* potius invexerat quam legi-
 tima disciplina. Hanc tamen patiebatur Ecclesia, parebatque prin-
 cipibus, vitandi causa schismatis, et ut ipsorum tuitionem promere-
 retur, ad comprimendos hæreticos, ad executionem Canonum, ad Ec-
 clesie bona sarta tecta servanda maxime necessariam.

“ *being allowed to have the person they had wished, should become less reverential than is meet.*”*

The direction here given was wise, I acknowledge, and equitable. But I doubt very much, whether *Columbanus* will be able to extract from it a justification of his grand rule in any one particular, either as to the *catholicity* of the rule itself, or as to the necessary consent of the *majority of the clergy*, or as to that of the *representatives* of the people. Anastasius of Thessalonica had behaved tyrannously towards his subordinate *Metropolitans*, and had trespassed beyond his privilege of delegate to the holy see. In other respects also he had carried himself with insolence; so that pope Leo feared to have been committed in the odium of his unbishop-like misconduct. To cut off all such excess and tyranny in future, and in consequence of repeated complaints,† Leo sets down regulations for the exercise of his visitatorial power: of which regulations, some are but

* I give in my text the English of those authorities, of which *Columbanus* has thought proper to exhibit only the Latin. *Cum ergo de summi sacerdotis electione tractabitur, ille omnibus præponatur, quem cleri plebisque consensus concorditer postularit . . . tantum ut nullus invitis et non petentibus ordinetur, ne plebs invita episcopum non optatum aut contemnat aut oderit, et fiat minus religiosa quam convenit, cui non licuerit habere quem voluit. Leonis Epist. 54. Labb. iii. 1385.*

† In the preamble to the ordinances. *Et necesse est post multarum experimenta causarum, etc... quatenus omnis inateria scandalorum auferatur... præeminente quidem in illis provinciis Episcopatus tui fastigio, sed amputato totius usurpationis excessu.*

but the enforcement of decrees already made at Nicea and Sardica; some are taken from the decretals of his predecessors; and the remaining, as is that in question, are of extemporary application to the Greek churches subordinate to Anastasius.

This decretal ordinance expressly provides, for all the Metropolitan churches under Thessalonica, in two cases of election; namely, in the case of *unanimous election* by clergy and laity, and in the case of a superiority, in which the Metropolitan was to be the sole arbitrator of *personal* titles of desert, as well as of numerical votes. In this latter case, it is plain enough, that, which way soever the Metropolitan should determine, there yet might be a considerable *minority* in point of desert, as well as an equality of *votes* at large, in favour of the candidate disappointed. Thus, even here, the *rule* of *Columbanus* would fail, requiring the majority of the clergy; for as to his *representatives*, that is nonsense. Even in this express case, one or several parties should bow their wills, as in any other public election. However, there are cases, of which Leo must have been perfectly aware, and for which he could not specially provide in a general regulation. I mean, if the great *majority* of the clergy and a *few* of the people should vote for a person of greatest desert, and *some* clergymen and the great proportion of laity for a person far inferior in worth, or *vice versa*; or lastly, where all the people stood in opposition to
all

all the clergy. By multiplying candidates, the cases will be multiplied by combination. In order to cover all such occurrences by a general negative rule, the pope lays it down, that no man, *at all events*, shall be ordained, *after such election*, against whom all bear antipathy, or whom no party whatsoever had in nomination. The reason, he assigns, is incontrovertible; because it supposes *a public election* and a public determination of *feeling*, which it would be rash and unkind to authorize by excitement, and then to affront. Still two points are remarkable in the ordinance; the one, that the *reason*, given by Leo, is the key to his ordinance; the second, that in this very reason he admits the power of quashing the popular choice, when he states the danger of the people shewing less reverence to the bishop ordained, because they had *not been allowed* to obtain a person, whom they had partially elected.

The next proof in our author's Latin Notes is from Origen on Leviticus, 6th Homily, as we have it from the translation of saint Jerome. *Columbanus* premises; "I refer to Origen on Leviticus, where he states *most unequivocally*, that *this*" (*the not forcing a bishop*, and so forth) "*was the discipline of the Catholic church.*"

The words quoted from Origen are these. "Let us therefore see, by what process a *high priest* is made. Moses convened the assembly, and said; " *This*

“ *This I have been commanded by God to perform.*
 “ Therefore, although God had given his precept for
 “ the ordination, and had himself made the *election*,
 “ yet also the assembly is gathered; this is what the
 “ apostle too has ordered, when, concerning the or-
 “ dination of a *priest*” (i. e. bishop), “ he says, *it is*
 “ *requisite besides, that he have a good character from*
 “ *those who are without.*” With the accuracy of this
 reasoning I have nothing to do; yet I should be glad
 to find, whereabouts the *consent* of the *representatives*,
 and of the *majority* of the *clergy* lies hid, in the ex-
 tract now given. I find here no *consent* whatever re-
 quired. But in the words of Origen, or of his trans-
 lator, I read an intermediate phrase between, *the as-*
sembly is gathered, and, *this is what the apostle.*
 The production of the words themselves will account
 for their *suppression*. “ For, in the ordination of a
 “ priest, the presence of the *people* is also required,
 “ to the end that they may know to a certainty, that
 “ he, who is the most excellent in *the entire congre-*
 “ *gation*, the most learned, the holiest, and most
 “ eminent in every title of worth, is selected for the
 “ priesthood. This selection takes place in the pre-
 “ sence of the congregation, *lest any individual should*
 “ *after the fact, either bring into question, or misdoubt*
 “ *the appointment.*” * Here indeed we have a cause as-
 signed

* Ibid. After, *convocatur etiam synagoga. Requiritur enim in ordinando*
sacerdote et praesentia populi, ut certi sint, quia qui praestantior est ex
 omni

signed for the intervention of the laity; and we find some sort of meaning in the introduction of the words of saint Paul. But what does this whole text from Origen prove with regard to the *discipline* of his age? Namely, that the ordination was made before all the *people*; that the person appointed should be of a good character; that the people, one and all, had an opportunity for testifying to that character; and that thus all ground for after opposition should be taken away. As to *representation* of laity, or *majority of diocesan clergy*, it is unfortunately silent.

The next authority is, that “ Cornelius of Rome, “ according to Cyprian’s account, was consecrated by “ very many bishops on the spot, in pursuance of the “ *testimony* of all the (Roman) clergy, of the suffrage “ of *all* the people then present, and of the collected “ *sense of the ancient and worthy (provincial) bishops.*”*

This

omni populo, qui doctior, qui sanctior, qui in omni virtute ornatior, ille eligitur ad sacerdotium; et hoc astante populo, ne qua postmodum retractio cuiquam, ne quis scrupulus resideret. Hoc est autem quod Apostolus, etc.

* Cornelius factus est Episcopus a plurimis Collegis nostris, qui tunc in urbe Roma aderant, de clericorum poene omnium testimonio, de plebis quae tunc aderat suffragio, et de sacerdotum, antiquorum et bonorum rivorum, collegio. In these last words Columbanus very naturally taking *Sacerdotes* to mean *priests* of “ *the second order,*” because, in short, he has read Cyprian, informs us, that Cornelius was *elected* by the *free suffrage* of *all the orders of the clergy* in Rome; and that Baronius adds, that each clergyman voted *individually*, down to the twelfth century.

This undoubtedly shews, that the installation of Cornelius was neither a party business, as Novatian pretended, nor the result of a conspiracy, as he also pretended, to abolish the christian discipline. But where is the *catholicity* of the rule? Where are the *representatives*? Why did not Cyprian, why did not Cornelius himself, impeach the ordination of Novatian, as violating the Catholic rule?

The next authority is, that “ pope Siricius (ad *Himerium Tarraconensem*) uses these words; *Presbyterio vel episcopatu*, si eum Cleri ac Plebis evocaverit electio, non immerito societur.” That is to say, “ Let him, without objection, be associated to the class of presbyters or to a bishopric, if called out by the *election* of the clergy and the laity.”* Even here we find neither *majority*, nor *representatives*. But who is this *he*, that may be associated to the higher dignity? Siricius will tell you, that he is enacting with regard to persons, not baptized until they had become *aged men*. In the canon immediately preceding, he ordains

* *Presbyterio vel episcopatu* si eum Cleri ac Plebis evocaverit electio non immerito societur. I should deem it unjust towards *Columbanus*, who not only is unacquainted with all christian, as well as all *heathen latinity*, to argue on the barbarism of, *Sociari episcopatu*. I will only observe, that the old reading, which carries its own proof, is, *presbyterium vel episcopatum...sortiatur*. “ Let him be entitled to his *chance* or *canonical fitness* for the dignity of presbyter, or for that of bishop, if called out by the election of clergy and laity.”

ordains the order of promotion *for those baptized before the age of puberty*, in this manner. Before the age of fourteen years to be lectors. Thenceforward until twenty years of age, to be advanced to the degree of acolyth and subdeacon. Next, if his life and chastity will warrant, to be ordained deacon, and to remain in this order *five years*. Then, to be eligible for the dignity of presbyter; and ten years after to be eligible, if otherwise deserving, to the place of bishop.* In this canon no mention is made of the election of clergy or people. But in the tenth, from which the garbled quotation of *Columbanus* is made, we read; “ If elderly men wish to advance themselves from offices of the secular court to offices of church, they shall, as soon as baptized, enter the class of lectors. In two years after, they shall be made acolyths or subdeacons during *five years*, and thus, if worthy, be ordained deacons. Thence, with several intervals of time, they may be canonically made presbyters, or, if *called up to the station by the election of clergy and people*, they may be ordained bishops.†

The next is, that “ pope Celestine I., who *sent saint Patrick into Ireland*, ordains, that *this ancient discipline* should be punctually adhered to; Let no person be given as bishop to those, who will not have him. Let the consent and wish of the clergy, magistrates,

* Canon ix. Labb. ii. 1021.

† Canon x. Ibid.

“magistrates, and common people be demanded.”* Here again the proof fails. 1. As to the *catholicity* of the rule. 2. The consent is to be of *the clergy*, which implies, not the *majority*, but the majority beyond comparison. 3. The consent is not to be by *representatives* of the people; because the people is distinctly to agree, as well as *the municipal senate*. *Columbanus* has failed here also in his three points, as well as in all the former instances. What is more; he contradicts *Celestine*, who, as we have seen, has expressly mentioned the case, wherein all the clergy or the majority may happen to be adverse to the decision of the bishops, which decision was yet to prevail.

The last authority is, that “in the year 633, the fourth council of Toledo decrees, that he should not be considered a bishop who was not thus elected.” If *Columbanus* had looked into the canon, he would have found something more; that, in the long enumeration of canonical impediments to episcopacy, an *election by the predecessor bishop* is mentioned. But as to the fact, the council requires the consent of *all* the clergy and *all* the citizens.† It declares, that, if thenceforward any unworthy person should be consecrated, in violation of the canons, generally referred

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to

* Nullus invitis detur Episcopus. Cleri, plebis, et ordinis consensus et desiderium requiratur.

† Cum omni clericorum vel Civium voluntate. Can. xix, Labb. v. 1712.

to (the past irregularities being dispensed with for the sake of peace*), both he and his ordainers should incur the danger of being deposed.† This text therefore will not serve. Thus you have all his authorities for the universal rule, with the exception of two dumb references to Petau, Tom 3. p. 720, to which, from the strange manner of quoting, *Columbanus* seemed not to trust, even in *Latin*, and to the same Petau's Notes on Synesius, page 57. As *Columbanus* has betrayed modesty in this reserve, I will only say, that these references must have been foisted in by his printer.

Having thus most ably demonstrated his *universal* rule from texts, such as you have witnessed, *Columbanus*, in his second step of demonstration, undertakes to shew, from positive regulations, and from the doctrine of fathers of the church, that the *optimates*, or *gentry*, are the persons solely entitled amongst the laity to vote in episcopal election.

“ All *this*,” writes *Columbanus*, “ may be venerable
 “ and canonical, but shall the elections of our bishops
 be

* Ibid. De quorum scilicet causa atque remotione oportuerat statuendum ; sed ne perturbatio quamplurima Ecclesiae oriretur, *praetertitis omissis*, &c.

† Ibid. Si quis autem deinceps contra praedicta vetita Canonum ad gradum sacerdotii indignus aspirare contenderit, cum ordinatoribus suis ad epti honoris periculo subiacbit.

“ be disturbed by popular interference? I answer by
 “ no means.”*

A good answer to a strange question. For the, *all this*, had turned out to be mere imposition; and, as to *popular disturbance*, not a word had preceded to justify the mention of such an evil. However, it is true; that episcopal elections are not to be *disturbed* by *any* interference, if the thing can be compassed. Our author proceeds;

“ The *church* soon found, that when the *ancient*
 “ sanctity of *primitive* manners, and the fervour of
 “ apostolical virtues had given way to *ecclesiastical*
 “ ambition, the *people* were employed as the tools of
 “ that ambition. Tumults ensued and all order and
 “ subordination were *annihilated*.” We shall consequently learn, what the *church* did *soon* to remedy the mischief, proceeding solely from *ecclesiastical ambition*, and from *lay simplicity*; all vices being reserved by *Columbanus*, for the portion of the clergy. Hear from *Columbanus* what the *church* did.

“ I refer all the advocates for popular elections to
 “ the election of pope Damasus described by Ammi-
 “ anus Marcellinus ” This Marcellinus by many
 has been esteemed a heathen; by others a partisan of
 Ursicinus, the rival of Damasus. But what did the
church then do? Damasus lived in the fourth century:
 the fourth council of Toledo, which we have just seen,

was

* *Columb.* first letter, p. 456

was held in the seventh. Yet, in the seventh, the church allowed all the citizens to elect.

“ I refer them to the election of John, bishop of “ Chalons, described by Sidonius.” There was no popular election of John. The Metropolitan, finding parties on the spot, appointed John at once and ordained him.* The reference is extraordinary, while the fact shews, that the elective power, of which the laity were partakers, was but a trust derived from the ecclesiastical power. *Columbanus* proceeds ;

“ I refer them to the election of saint Martin of “ Tours, described by Sulpicius Severus, who has “ been *justly* stiled the *Sallust of the christian church.*” As to the pretensions of *Columbanus* to decide, whether *justly* or *not* Severus has been stiled, if ever he had been stiled, the *Sallust of the christian church*, each reader will judge for himself. The election in truth was contested ; and the *people* succeeded, almost by miracle, in gaining for their pastor one of the greatest of saints.

“ But

* Quod ubi viderunt Sanctus Patiens et Sanctus Euphronius,...consilio cum Episcopis prius *clam* communicato quam palam prodito,...jactis repente manibus arreptum sanctum Joannem...jam secundi ordinis sacerdotem, dissonas inter partium voces, quæ differebant laudare non ambientem, sed nec audebant culpæ laudabilem, stupentibus factiosis, erubescens malis, acclamantibus bonis, reclamantibus nullis, collegam sibi consecraverunt. Apollin. Sidon. Epist. Lib. 4. 25.

“ But above all I refer them to the *laws of Justinian*,
 “ which confine the elections of bishops to the clergy
 “ and the *optimates* of the vacant diocese, wholly ex-
 “ cluding the lower orders from any interference
 “ whatever in ecclesiastical affairs:”

Very well. We shall inspect your reference. In the mean time, what did *the church*, which so soon perceived the evil consequences of popular interference? In the mean time, who are the *optimates* in the law of Justinian? “ In two of this Emperor’s ordi-
 “ nances, which were observed down to the twelfth
 “ century, it is expressly provided, that, when a bi-
 “ shop is to be appointed for any diocese, the clergy
 “ and *optimates* shall meet, and *nominate* three per-
 “ sons, drawing up an instrument and inserting therein
 “ upon oath, that they *elect* neither for any gift, or
 “ promise or friendship, nor for any other cause than
 “ that they believe them to be of the true Catholic
 “ faith, &c. and that out of these three, one who is
 “ the best qualified *may* be chosen at the discretion and
 “ judgment of the ordainer. Novel. 123. c. 1. also,
 “ Novel. 137. c. 2. et Cod. Lib. i. tit. 3. de Episcop.
 “ leg. 42”.

The reference to the *Code* we will pass by as nothing to the purpose. Of those two Novels *Columbanus* has preferred the former; namely, the 123d. I have then some questions to put to his understanding, in regard to this quotation. First; I would know,
 why

why he *translates* the words, *primates civitatis*, (which in Nov. 137. are *primores civitatis*) into *optimates* generally. Why not give *English* for *Latin*? *Civitas*, a city, is here used in a corporate sense; consequently, the *primates* or *primores* of the city must be persons holding legalized authority, either from employments of court, or municipal station, or from *ceusus*. Why then evade these words? *Columbanus* will explain that by and by. Secondly; I would know, for what cause he has omitted, that one of the *three elect* is allowed to be a *layman*.* Was this any part of the *universal* rule? Had this derogation of all canon law been handed down *from age to age*? Thirdly; I would willingly learn, whether an ordinance, that took away the right of *all the provincial bishops*† to examine, ratify or disaffirm episcopal elections, was a *Catholic* rule and *handed down from age to age*. Lastly; in what sense does he pretend, that his *optimates* were *representatives* of the people?

When *Columbanus* has satisfied his readers as to the consistency of his text with his Catholic rule, he will have the goodness to reconcile to his own candour this other scruple. Having poached in de Marca for those Novels of Justinian, as well as for what immediately follows in his first letter, I beg he will account for

* Novel. 123. §. 2. *Damus* autem licentiam decreta facientibus, si quempiam laicorum praeter curialem, &c.

† Ibid. Ut ex tribus illis personis melior ordinetur, electione et periculo ordinantis.

for the assertion, that this ordinance was *observed down to the twelfth century*, although de Marca shews, that it was *never observed, nor received into practice*. “The regulation of Justinian,” writes he, “for the election of three candidates by clergy and people, under a *decretum* to be sent to the Metropolitan, never was received in the East or the West. So far was it from being put in execution, that the contrary practice was affirmed by a Canon of the second Council of Nicea, asserting to the *provincial bishops* the *election of bishops*, as previously enacted by the first Nicene Council. In second Nicene it was decreed, that the bishops alone should elect, to the *exclusion of the Clergy and the Laity*, who theretofore had held a *joint share*, though not a co-ordinate right in elections. Hence we need not be surprized at finding in the 28th Canon of the Council of Constantinople against Photius, as in the Latin version of Anastasius, the Laity expressly excluded, *under pain of anathema*, from intermeddling in the business of Episcopal elections.*

If

* Concordia S. et I. Lib. VIII. Cap. 7. Quod constitutum fuerat a Justiniano de trium electione facienda a clero et plebe mittendeque decreto ad Metropolitanum, *locum non habuit nec in oriente nec in occidente*. Tantum vero ab executione legis istius recessum est, ut non solum usu sed canone quoque in II. synodo Nicæna anno 737. Episcopis *permissa sit universa electionum potestas*, citato ad eam firmandam canone IV. Synodi I. Nicæne. Eo quippe tempore *decretum* erat penes

If you saw this text, *Columbanus*, why skip it over? If you did not see it, but if yet you had read the second general council of Nicea, or the fourth general council at Constantinople, with what front could you assert the ordinance to have been observed *down to the twelfth century*? If you knew nothing, either of the text or of these councils, what shall we think of your boldness in writing as you have done?

But more; against your mock 53d of Nicea, as well as against the whole of your unworthy undertaking, you have now two decrees of *Oecumenical* councils, wherein *the bishops* resume the electing of their compeers, not only from your representatives of the people, but from the diocesan clergy. Will you, *Columbanus*, resist the *evidence*, as you term it, of *Oecumenical* councils? Will you act the *high priest* of the synagogue? Alas! *Columbanus*, you are not a *high priest*. *Hinc illae lacrimae*; nor are you likely to be a *Caiphas*, though you have volunteered like a *Doeg*. “You weep the more, because you weep in vain.”

Turning

penes episcopos solos, exclusis et clericis et populis a decreti ferendi potestate, cujus communionem antea cum episcopis habuerant, licet non aequo jure. Quare nulli mirum videri debet, si canone 28 (an error for 22) concilii C. P. habiti anno 870. adversus Photium in editione latina Anastasii bibliothecarii ista legantur; *Promotiones atque consecrationes episcoporum electione ac decreto episcoporum collegii fieri sancta haec et universalis synodus definit ac statuit; depulsis disertè eodem canone laicis a negotio electionis sub poena anathematis.*

Turning aside from this loathsome pathetic, our author, being aware that some one instance would be required to shew the practical adoption of Justinian's ordinance during six centuries, most ingeniously takes it for granted, that the law was obeyed; but that a colourable exception in *one single case* might be alleged against its universality. "It *may be objected*," says he, "that Gregory I. insisted, *notwithstanding this law of Justinian*, that the bishops of Sicily should be "elected by the people, as well as by the clergy, as "appears by his letter to Barbarus, bishop of Benevento;—but it will, *on close examination*, appear, "that, though he desires Barbarus to *endeavour* to "make the clergy and the people unanimous, he no "where says, that the people had any *right* to elect."*

This *right* must mean *legal right*. Now, what are the words of Gregory I.? *Columbanus* has given them in Latin; and let the reader *closely examine* this English. "Do not delay to warn the clergy and laity of "Palermo *to lay aside parties*, and with one unanimous consent to make application for such a bishop "to be their governor, as shall not in any respect be "disfavoured by the Canons. Provided, that such "one shall be postulated under a formal instrument, "confirmed *by the signatures of all*, accompanied by "your written credentials of esteem, let him come
4 A " hither

* *Columban. 1st letter. p. 47. 48. note.*

“hither to Rome to be consecrated by me.” Am I not stupidly patient with this man? He, first of all, falsifies an imperial edict and brings it in proof of an immemorial and canonical rule, though enacted in violation of canonical rule. Next, he pretends, that this rule had force until the twelfth century; although it never had force or authority; although its provisions were anathematized. Then, instead of adducing even a single instance of its enforcement, he adduces, as an objection, a pretended single instance of deviation; and this he reconciles to the falsified text of an obsolete law by concealing that half of the objection, which overthrows his hypothesis.

But there is a certain whimsical fatality in all the best stratagems of our author, as if he had conspired against his own deceptions. In this very case of the church of Palermo, not only the law of Justinian, excluding the people at large, was not allowed, but one of the provisions in that edict is forbidden under pain of excommunication. Saint Gregory writes also to the clergy, municipal body and congregation of Palermo, to inform them of the appointment of Barbarus, and ordering them, with one and the same consent, to elect, and under one instrument, signed *by all*, to testify their choice. He adds; “Taking heed above
 “ all things not to attempt *to elect a layman*, be his de-
 “ serts *what they may*. For not only such layman
 “ shall not be bishop in any event, but you yourselves
 “ shall

“ shall not be forgiven, for any interest to be made on
 “ your behalf; and any layman amongst you, proved
 “ to have aspired to that dignity, shall beyond a doubt
 “ be disabled from obtaining the office, and be excom-
 “ municated ”* Even Gregory I., you observe, knew
 nothing of the 53d Nicene canon; not even from the
 collection of Dionysius Exiguus. In reading *originals*,
Columbanus has found but this one instance of the
 church of Palermo. I have found in the *mere* printed
 letters of Gregory, the same conditional clause requir-
 ing the *consent of all*, not once or thrice, but as re-
 peatedly expressed as the note below declares.† In
 fact, the clause is uniformly a part of the precept.§

Our author, having *succeeded* thus far, is coming to
 a more *minute* investigation. “ The people in fact,”
 says he, “ only gave their testimonies of *consent* in a
 “ body, but not their *votes* individually as electors.
 “ Both they and the *optimates* gave their *testimony and*
 “ *consent by ancient usage* (which right of *consent* ex-
 “ tended even to the appointment of parish priests.
 “ Valesius

* Epistol. lib. xi. 19. Sed et omnes, quos ex vobis de laica persona
 aspirasse constiterit, ab officio et a communione alienos faciendos pro-
 culdubio noveritis.

† Epist. Gregor. M. lib. 2. part 1. ep. 19. 27, 38. Lib. 3. ep. 39.
 Lib. 5. ep. 21. Lib. 6. ep. 16. Lib. 7. ep. 25. 26. 51. 88. 89. 90. 91.
 Lib. xi. 17. 18. In all which the clause, Qui dum fuerit postulatus, &c.
 is expressed. § *Datis ex more praeceptis.* Gregor. ad Episcop. Ravenn:
 Lib. 7. ep. 50.

“ Valesius in Euseb. lib. 6. c. 43. Presbyteri *olim* ab
 “ Episcopo ordinari non poterant sine consensu cleri
 “ ac populi); but neither elected by *divine right* ;”
Columbanus will do well to look for those *parish priests*
 once more in Valesius; he will do very well to look
 again for these *optimates*. Next, he will do very well
 to find some *ancient* text establishing the *ancient* usage
 of a distinct testimony, given by the *optimates*, as well
 as for the possibility of the congregation, in a body,
 bearing testimony to what one or two individuals only
 might be able to object to the candidate. That when
 the people were *unanimous*, they did not vote *individu-*
ally, I allow to be most highly probable: that neither
 they nor the *optimates* elected by *divine right*, is per-
 fectly true.

“ Therefore,” continues our author, “ when the
 “ *rabble*, became tumultuous and unworthy of giving
 “ any testimony or consent, they were justly excluded
 “ by *human law*, as *should* also the *optimates*, if they
 “ had been equally undeserving.” One mysterious
 character was not sufficient for this drama. Besides
 the *optimates*, the *rabble* is brought in. “ *This rabble*,”
 said the Pharisees on one occasion, “ *that is ignorant*
 “ *of the Bible, is accursed by Heaven.*” We had had
 the *people* on the stage: let it have been the *multitude*.
 A multitude may become riotous, whether of kings,
 nobles, or of the lowest orders. Yet it would be
 scarcely wise to call them *rioters, ex post facto*; much
 less

less to clap the nickname on them as a surname. *Columbanus* allows, however, to the *rabble*, before they became tumultuous, the right of consenting, derived from the apostolic times: but because at Rome, and at Chalons, and at Tours, the rabble became tumultuous, and unworthy of giving any testimony, the entire world of christian *rabble*, *alias* people, down to the *twelfth* century from the *fifth*, was justly excluded by human law. This is comprehensive justice indeed. “So should the *Optimates*,” he remarks, “if they had been equally undeserving.” Until we can identify those *Optimates*, we cannot bring them to a trial: yet, in their case, as being favourites of our author, I would suggest, that no demerit of *Optimates* at Constantinople under Justinian could justify the exclusion of all the *Optimates* of all nations, unless the disease of unworthiness were attached to the name like a patent.

One paragraph more from *Columbanus*, and I have done. “This distinction is clearly marked by the most eminent fathers of the christian church.” We shall hear them. The *distinction* about to be clearly shewn, is between “the consent of the people, the *wish* of the gentry, and the *election* of the clergy.” “This distinction is marked in the passage of Leo already quoted, that in the election of a bishop the *will* and *desire* of the people should be consulted.” True; but the very first words of the
passage

passage, quoted by you *in latin*, were these; “Whenever a consultation is held for the *election* of “ a bishop, let him be *preferred*, whom the unanimous “ *consent of clergy and people* shall call for.” Thus here, not only no distinction is marked, but the same *consent* is allowed to people as to clergy, and the *election* is given to the bishops.

Columbanus. “The transgression of this rule was “ objected as a *great crime* to Hilary of Arles by Valen- “ tinian III.” This emperor is then become an *eminent father of the church*. As to the *great crime*, Valentinian calls it a *most unseemly proceeding*. *Columbanus*. “It is worthy of particular notice, that “ S. Leo makes the same objection, that saint Hilary “ ordained bishops against the *will and consent* of the “ people;” adding, “that he ought to have required “ the *testimonies* of the people, the *will* of the gentry, “ and the *election* of the clergy;”* “here the *testi- “ monies* or *consent* of the people and the *wish* of the “ gentry are clearly distinguished from the *election* of “ the clergy.” Very *clearly*. But now let us add these seven words of Leo, omitted by *Columbanus* in his english. “Let him, who is to preside *over all these*, “be

* *Columb.* 1st letter, p. 49. The words of Leo, as quoted by *Columbanus*, are, Expectarentur certe *vota civium, testimonia* populorum; quæreretur *honoratorum arbitrium, electio clericorum*. qui præfutura est omnibus, ab omnibus *eligatur*. In his text he suppresses the *vota civium*, and the, *ab omnibus eligatur*.

“be elected by them all.” What is become of the clear distinction?

But it is not enough for *Columbanus* to refute his own argument, and to put down his own character by one and the same attempt at demonstration: he must do this superabundantly. “Leo,” says he, “adds, that Hilary ought to have required the *testimonies* of the people, the *will* of the gentry and the *election* of the clergy.” From this he infers, that the *people* gave their *consent and testimony*; the *gentry* their *wish*. Will it be believed, that *Columbanus*, in order to establish this *clear* distinction, has made up one text from the head and the tail of two widely separate passages; and that in the latter of these he has suppressed the *testimonies* of the *gentry*, as he miscalls the *honorati*? Yet the fact is so.*

What

* In the *second paragraph* of the epistle in question, (Leo. I. 89. Labb. III. 1393.) this pope in reprehending the supposed misconduct of saint Hilarius, as if this latter had ordained a *successor* to *Projectus*, who was infirm, without either his knowledge or that of the citizens, argues thus; “Grant that *Projectus* was like to die shortly, “at least the *wishes* of the *citizens*, the *testimonies* of the *multitude* would “have been waited for; the *determination* of the *honorati*, the *choice* of “the clergy would have been looked to.” In the *third paragraph* (page 1399. *ibid.*), “Let bishops who are to govern, be postulated for in “*pacific and tranquil manner*. Let the signatures of the clergy, the “*testimonies* of the *honorati*, the consent of the municipal government
“and

What is equally surprizing is, that in the text, quoted from that *eminent father of the church*, Valentinian III, but *not translated*, the *clear* distinction is confounded. “Hilary, without sufficient cause, removed
 “ some bishops; others he most indecently ordained
 “ without the will and in spite of the opposition of *the*
 “ *citizens*; and, as such bishops naturally were not
 “ received by those, who *had not elected* them, he
 “ collected an armed band.”*

Now, who were those *honorati*? It is worth the while to ascertain them, since *Columbanus* has, in one way or another, dragged them through the mire of all his arguments and pamphlets, under the disguise of *gentry*. In short, they were persons holding authority, not solely municipal, but of universal recognition throughout the empire; as consul, pretor; palatine officer with jurisdiction, and *patrician* in the east. I
 cannot

“and of the people be made sure of. Let him, who is to govern them
 “ all, be *elected* or chosen by them all.” It is evident from inspection of these two passages, that the asserted distinction has as little support from Leo, as from common sense; that *election* was not used by him technically; and that *testimonies* are interchangeably applied to the *honorati* and the *people*.

* Quoted by *Columbanus*, p. 40, *ibid.* under this learned reference, *Novel. 23 ad calcem codicis*. Nam alios incompetententer removit, indecenter alios, invitis & repugnantibus civibus, ordinavit: qui quidem non facile ab his qui *non elegerant* recipiebantur, manum sibi contrahebat armatam.

cannot blame *Columbanus* for ignorance of what every beginner in Roman laws is acquainted with: nor even for not having looked into the title of the Codex, lib. XII.; or the title in the XI. *de honoratorum vehiculis*, or into the *institutions* of Justinian. But surely the *close examiner* of Gregory's epistles ought to have considered that remarkable one, in which he recommends Venantius, not merely a *gentleman* but even a patrician, to his *Apocrisiarius* at Constantinople, that he may obtain for him, at the price of thirty pounds of gold, the patent of an ex-consul, because though noble, he had no honours.* It would be cruel to add, that when *Columbanus* took for his motto, *Virtus...intaminatis fulget honoribus*, he should have understood the *secret* of his own warhoop.

Thus terminates the great demonstration of the great *Catholic rule*, handed down from age to age. How well *Columbanus* has extricated himself, although supplied with de Marca's ammunition, I need not tell. We are yet to learn, what the *church* did to exclude the people at large. We are yet to learn in what *country*, and in what *diocese* this Catholic rule was ever enforced or quoted. That the christian people, when persecuted or exposed to persecution, were justly allowed to express their preference, and that such preference was always respected and often decisive, because

4 B

the

* Lib. XII. Epist. 27.

the self-devoted soldiers were good judges of the most courageous general, is known to every one. That no *optimates* or *honorati* could during that period have subsisted, much less have furnished a *rule*, is equally well known. That at all times, the christian people have a *right* to the fittest men for their bishops, is but a truism in the church œconomy. That not only the principles and conscience of the religious, but the eventual satisfaction of the decent prejudices of the nobility, are to be weighed, is also accordant with the just, prudent, peaceful and conciliating spirit of the gospel. If those nobles are of the faithful and meritorious, they are entitled to double honour; if adverse, they are to be appeased, or gained over, unless a greater authority, I mean that of faith and morals, frown against the compliment. But that a *majority* of clergy and *representatives* of the people should give a perpetual negative standard in the election of bishops; or that any certain *quantum* of *interest*, clerical or laical, should be peremptory in episcopal elections, (the right and duty of impeaching bishops, elect or consecrated, still remaining inviolate, if they had been disqualified by crime, or should commit deadly and provable crimes after ordination); that a title of nobility or *kingship*, which is necessarily transmissible from the best to the worst, should be imperious, under the most guarded compact, over such elections, is against the gospel, is against morals: it is against the human
cause,

cause, which always seeks appeal from the grievance of the *letter* to the *truth* of effectual justice, and liberal freedom. That, finally, those occasional compacts, made with popular feeling, with clerical reverence and desert, with the protection of men in power, or with their tyranny, have demonstrated, not defeated the original, proper and apostolic right of the episcopal body to determine, compromise and treat on such matters, is undeniable in the view of every rational man. That power indeed they are bound, in the spirit of Christ, to exercise in kindness and in beneficence, because they have no power to destroy or to squander that inheritance for which he died. That power, they must know, is dangerously committed, if risked on the exercise of abstract independence. But that is their own most important concern. “ Let *them* “ attend to themselves and to their universal flock ; “ inasmuch as the holy Spirit hath established *them* “ bishops for ruling the church of God, which he “ hath purchased with his proper blood.” The responsibility is great ; but the authority is indefeasible ; it is divine.

I am, Reverend Sir,
&c.

NOTE A. TO PAGE 501.

THE story of Boniface II. first appointing Vigilus the deacon to succeed him, and afterwards confessing himself guilty of *treason*; the annulling of his act by a synod, on the ground, that it had been against the canons, are circumstances resting solely on the authority of the Pontifical Register, named of Anastasius, and carried on, as I have already mentioned, from the fourth to the middle of the ninth century, by one and the same hand. I trust it has been shewn, that the pretended violation of canons is untruly mentioned. Indeed, Natalis Alexander, a man by no means partial to Rome beyond the doctrines of the illustrious Sorbonne, of which he was a member, when he records the council under Symmachus, omits the privilege, therein given to the bishop of Rome for the time being, of appointing a successor; in the same manner, as when he relates the pretended council under Boniface II., he abstains from shewing, that Boniface had *not* acted against the rules sanctioned in the council of Symmachus. The circumstance therefore of a transgression committed by Boniface, as well as that of a condemnation in synod on that score, being fabulous, it is a matter of antiquarian discussion, whether Boniface did or did not appoint *Vigilus the deacon* to succeed him. That he did not appoint any successor at any time; that, particularly, he did not appoint *the deacon Vigilus*, is what I maintain, for the following reasons. First; because the author of the Pontifical Register, not only has compiled from partial accounts, but grossly contradicts himself. Second; because cotemporary authors with Vigilus, and such as could not possibly have been unacquainted with such a transaction, if it had taken place, are silent on this fact, though professed accusers of this pope's advancement. Lastly; because there are vestiges still subsisting of the real fact, which are enough to explain from whence this ignorant story first arose.

In narrating the acts of Boniface the second, the Pontifical Book has these words, "This pope, urged by anger and jealousy, when he reconciled the clergy," namely those, who had sided with Dioscorus, "vindictively extorted from them anathemas and signatures. The written instrument he locked up in the church archives, as if it had been a condemnation of Dioscorus, ...but *not one amongst the bishops signed*, although a great majority had been for Dioscorus. *Cui tamen nullus in episcopatu subscripsit, dum plurima multitudo fuisset cum Dioscuro.*" Lib. Pontif. in vita Bon. II.

Pope John, the successor of Boniface, having died, Agapetus came next, of which pope the same historian writes; "In the beginning of his episcopacy Agapetus burned publicly in the church *the written instruments of anathema*, which Boniface in his spiteful anger *had extorted from the presbyters and the bishops, against the canons and against Dioscorus*; and he released the entire church from the malice of *faith breaking men*. *Hic, in ortu episcopatus sui, libellos anathematis, quos invidiæ zelo Bonifacius extorserat presbyteris et episcopis contra canones et contra Dioscorum, in medio ecclesiae, congregatis omnibus, consumpsit, et absolvit totam ecclesiam ab invidia perfidorum*" Here we have double proof of malignity to Boniface, and decisive proof of falsehood. *Not one bishop* under Boniface had subscribed the condemnation of his opponent; yet, the instruments of condemnation, *signed by the bishops* under Boniface, are burned by Agapetus. One or other of these assertions must be false. But I shall prove, that they are both false.

About twenty years after the pontificate of Agapetus, the emperor Justinian published an edict, chiefly in defence of the condemnation, which had been resolved, of the memory of Theodorus of Mopsuestia. Even then the emperor relies upon the posthumous condemnation of Dioscorus by the *church of Rome*, which church included the bishops of its ordinary synod. "Last of all," says Justinian, Labb. V. 722. echoing the words of Benignus, proxy for Thessalonica, Labb. *ibid.* 481. "What person is uninformed of the proceedings of the church of Rome against Dioscorus within our own memory? He had not
"been

“been guilty of any impious deed; yet, after his death, he was anathematized by that sacred church, for a matter regarding the church polity alone” It will hardly be supposed, that Justinian would have had the stupidity to cite this precedent, if the sentence against Dioscorus had been annulled, *as adverse to the canons*, by a pope so greatly revered in the East, as Agapetus appears to have been.

Two authors, coeval with Vigilius, and both of them decided enemies to his person and to his decrees against the three chapters, were, *Liberatus*, a deacon of Carthage, and *Facundus Hermianensis*, an African bishop. The former of these, *Liberatus*, had come to Rome, as delegate for his church, in the beginning of the pontificate of John II., who succeeded Boniface. This *Liberatus* wrote his abridgment after the death of Vigilius, and betrays the utmost hatred to his memory, notwithstanding all his sufferings. Yet, inimical as he shews himself, so far as to entertain for truth the most wicked reports against that pope; although he had been in Rome within, perhaps, some months of the alleged designation of Vigilius, he has totally forgotten to mention a circumstance so greatly tending to disparage the authority, which had condemned the letter of Ibas and the memory of Theodorus. In the same manner *Facundus*, although he sat in the council with Vigilius in Constantinople, and although he justifies the mention of the oblique and uncanonical methods, by which Vigilius had smoothed his path to episcopacy, appears entirely a stranger to the fact of his nomination by Boniface II., and to the consequent humiliation of that pope, which, being a rhetorical author, he never would have omitted, when impeaching the worth of Vigilius, whose decision was then adverse to the favoured cause. Both *Liberatus* and *Facundus* distinctly confine their accusations to a written promise, given by Vigilius in favour of the *Acephali*, in order to gain the pope-dome, and a secret declaration by him, when bishop, in favour of that sect. *Liberat. Breviar. c. 22. Facund. Hermian. contra Mocian. Scholasticum. Ob hoc etiam de ipsius episcopi Romani chirographis,*
vel

vel prius ambitionis impulsu, cum fieri arderet episcopus, vel postea venalitate, parti alteri factis, necessarium duximus non tacere, ne auctoritate nominis ejus præjudicium fides vera sufferret.

Amongst the spurious wares in the collection of Isidore, we find an excommunication by pope Silverius against Vigilius, as invader of his see. In this *cento* Vigilius is accused of having gained surreptitiously the order of deaconship from the *predecessor of Boniface*, though guilty of manslaughter; and of having intrigued against the canons, during the lifetime of the blessed Boniface, to be designated his successor, *had not the senate opposed the attempt*: that, having escaped the papal condemnation for that first misdeed, his wickedness became irretrieveable. *Cruentis humano sanguine manibus decessoribus nostris subripiens, levit'cis præsumpsisti excubare ministeriis...contra jura canonica temporibus S. M. Bonifacii PP., ipso vivente, successor ejus designari conabar, nisi tibi amplissimi fenatus obviasset justitia. Tunc providentia pastoralis ac pontificali honore tua execranda jam debuerant auspicia detruncari.* This document is fabricated beyond a doubt; but it is certainly anterior to the compilation of Anastasius. The charge of *murder* is fixed upon as a mark of fabrication. What then shall we think of the Pontifical Register, wherein this charge is given circumstantially? "The Romans" (in vita Vigilii) "accused Vigilius to the emperor of having killed his notary *with a box on the ear*, and of having surrendered his own nephew to the consul *Asterius*, who had him scourged to death." From the greater caution adopted by the maker of the excommunication it appears, that he was the authority for the compiler of the Pontifical Register; as from the desperate blunder of this latter, we may judge of his accuracy. Vigilius was accused of delivering up his own nephew to the consul *Asterius*. When had *Asterius* been consul? Fifty-two years previous to the departure of Vigilius from Rome, and in all probability before he was born. Thus the compiler, by specifying circumstances, wisely left out in the excommunication, betrays himself to have copied at second hand, and to have been more recent in time than the fabricator of the anathema. Both concur in omitting

to state, when it was that Vigilus became a deacon. However the story, as told by the pseudo Silverius, is, that, *during the life of Boniface*, an intrigue was carried on by Vigilus, as deacon, to insure his own appointment; that the senate opposed this intrigue; and that the lenity of Boniface, in pardoning such an attempt, was the occasion of great mischief. From this account, we may infer, first, that no designation took place: secondly, that the senate quashed the attempt by an order or a law: thirdly, that the intrigue was conducted without the knowledge of Boniface, and in opposition to his rights or security. Of these three points one is undoubted; namely, that, in the time of Boniface, the Roman senate did declare illegal all promises and contracts, made for the purpose of gaining votes for episcopacy; and the taking or retaining any value or gift for that end, was made capital. (Athalaricus Rex Joanni Papae. Labb. IV. 1748.) The *author* of the excommunication would be therefore entitled to higher credit on the two other points, than the biographer, if either were entitled to any belief.

But what becomes of the story, if Vigilus was not even a deacon in the time of Boniface? If Vigilus was not a deacon, until made by Agapetus, whom the Pontifical Book represents as the great enemy to the proceedings of that Dioscorus, who had appointed Vigilus his successor? Liberatus, the enemy of Vigilus, informs us, that Agapetus, shortly before he died, in Constantinople named for his Apocrisiarius, his deacon Pelagius; and that, after the decease of this pope, the empress sent for Vigilus, *the deacon of Agapetus*, with whom she privately bargained to procure him the papal station, on the condition, that he should give up the council of Chalcedon. If Vigilus was then at Constantinople, he must have been ordained deacon by Agapetus at the point of death, and not as yet have taken his rank, when the council under Mennas was held: because, in this council, held immediately after the death of that pope, it appears, that the clergy of Rome, who accompanied him, were Theophanius and Pelagius, *deacons*; Mennas and Peter, *notaries*; and others, being *sub-deacons, defensores*, or minor clergymen. Labb. V. 4. If Vigilus

was *not* then at Constantinople, but was to be summoned from a distance, the *deacon of Agapetus*, after the death of this pope, can mean nothing but one of those deacons, created by Agapetus. Will not this suffice? If not, I will settle the point. The third council under Boniface II. was held within some weeks of his demise. Even then, Vigilius was *not* deacon of the church of Rome: Adstantibus Tribuno, Agapeto, Donato et Palumbo Diaconibus. Labb. V. 1691. 1697. From this there is no escaping. The *Diaconiae* had been reduced to four from the time of Theodoric and pope Symmachus. At the death of Boniface, no man, called Vigilius, was of the deacons. Liberatus names Vigilius *the deacon of Agapetus*. The Pontifical Book, the sole authority for the constitution of Boniface, allows, that John II., the intervening pope between Boniface and Agapetus, made *no* deacons. Therefore, Vigilius was one of the four deacons of the creation of Agapetus.

From Boniface's pretended absolution of the bishops and presbyters, but especially from the words, *faith breaking men*, I collect, that Dioscorus, the rival of Boniface, had obtained *chirographa*, and, perhaps, the recommendation of pope Hormisda, to his succession. From the assertion of Benignus, proxy for Thessalonica, that all *the men in dignity* communicated with Dioscorus until his death, I infer, that he had a most powerful lay interest. From his condemnation, as explained by the *senatus consultum*, recited by king Athalaric, I collect, that he had dilapidated the church property in bribes to ensure his election. From Platina, a modern author, not four hundred years old, but most unsparing of popes, and who evidently had documents before him, which afterwards perished in the sacking of Rome, I find, that Boniface II. annulled the privilege, allowed to popes under Symmachus, of nominating successors. From the odium, contracted by Vigilius, when he condemned Ibas and the memory of Theodorus, I explain the fraudulent legend of a designation of him, afterwards retracted by Boniface II. So much for the *repentance* of Boniface, and his violation of the 52d. Arabic canon of Nicæa.

NOTE B. TO PAGE 516.

IN the text, I have shewn, that the pretended council of Barcelona was a provincial, not a national synod. I thought it an unworthy occupation, to refute at length the wanton assertion, that the Spanish clergy were *very tenacious of their ancient discipline*, until the invasion of the Moors; inasmuch as their own councils, especially that of Toledo III., held but ten years before this supposititious meeting at Barcelona, bear ample testimony to the utter ruin of ecclesiastical discipline in that country. As I now am proceeding to shew, that the acts of this synod of Barcelona are a forgery, I deem it right to premise, that *Columbanus* has entirely misrepresented the drift of the particular canon alluded to. Its provision is not against *intriguing clergymen*, nor against the *slanderers* of their rivals, but against the sudden promotion of laymen. Here it is at length. "This also the synod orders to be revived and observed, pursuant to the ancient canons, as well as the *epistles of synodical prelates*, that henceforward, it shall not be lawful for any layman to ascend to the episcopal rank, either by *kingly recommendation*, by the *consent of clergy and people*, or by the *election and assent of bishops*, without observing the intervals by the canons prescribed. But, after he has mounted from rank to rank, according to the canonical interstices, has laboured in each, and is accompanied with the proofs of worthy life, let him be promoted to the chief priesthood, by the authority of Christ, if his life correspond to that dignity." The canon then directs the presentation of *two or three*, in the words I have given in the text.

Passing over the *synodalium epistolas praesulum*, as a mere clerical error for *synodicas Romanorum epistolas praesulum*, it cannot escape any reader, that the attempt of the canon forger, was to engraft the regulation of Justinian on the regulation of Siricius, anciently directed to this very province. But Siricius had allowed a layman, after serving during a stated number of years from adult baptism, to be elected bishop.

bishop. Justinian authorized the immediate election of a layman, provided two clergymen were presented along with him to the metropolitan. The anonymous legislator at Barcelona revives the canonical intervals of Siricius, and, considering the man, once a layman, to be always a layman, most happily superadds the rule of a triple presentation, without a why, or a wherefore. Such a provision as this is too silly even for Barcelona. Now to the point of fabrication.

The first canon prohibits the exaction of money or dues, by a bishop or by any of his clergy, for the consecration of priests or subdeacons. This canon is expressed in the following words. Hoc S. Synodus taturae *elegit*. I. Ut cum ad officia ecclesiastica clerici provehantur, nil pro *benedictione* aut sacerdoti aut *subdiaconi* collata, quidquam, vel sub obligationis nomine, a quoquam episcopo vel ab ejus clero *inquiratur*: illud D. Jesu MEMINENTES *edictum*; Gratis accepistis, gratis date. This canon, as well as the second, is travestied from the sixth chapter of Gelasius, to the bishops of Italy. Labb. IV. 1189.

The third canon is that first mentioned, concerning the choice of bishops, which concludes with an enactment of *deposition* against the ordainers and the ordained, who shall have trespassed against the rule laid down.

These two canons equally bear the stamp of forgery. The first supposes the rule of *blessing* or consecrating *subdeacons*, which means, by imposition of hands, to have been usual in that age. This is false. In the eighth council of Toledo, held sixty years after the date affixed to this Barcelona document, the rule of blessing subdeacons is established, it being, as the fathers say, practised in *some churches*, in virtue of a tradition, which they have examined and found substantial. Sicut *in quibusdam ecclesiis* vetustas tradit antiqua, et sacra dignoscitur consuetudo *substare prolata*. The fathers of this council, it appears, knew nothing of the previous council of Barcelona. Even Gregory I., during whose pontificate this imaginary synod is dated, knew so little of a *benediction* for subdeacons, as to have had them submitted, like minor clerks, to corporal punishment, because they had *no imposition of hands*.

The third canon is easily convicted. This pretended council was held in the 14th of Reccared. Out of the twelve bishops subscribing, six had already put their hands to the canons of the third of Toledo, in the fourth of the same king; of which the first canon revives the ordinance of the see of Rome, concerning promoting to holy orders. Now those canons were expressly confirmed by the king's proclamation; and a bishop, countervailing them, was subjected by all the bishops to excommunication. Lab. V. 1010. 1015. The fabricator was little aware of this, when he introduced a provincial council attempting to rescind, at the peril of their dignities, the ordinances of a national council, to which they had been parties, and which continued to be the law of the kingdom.

The Latin words, mistranslated by *Columbanus*, are so manifestly the attempt of a Greek to write Latin, or of a man ignorant of both languages to translate into Latin from Greek, that, even without the *inquiratur*, or the *mementes* of the first canon, or the *licor* of the second, I rest upon their phraseology alone. *Quem sors, præeunte jœjunio, Christo domino terminante, monstraverit, benedictio consecrationis accumulet, ὃν αν ὁ κληρος νηστίας προηγουμενης του κυριου ὀρισαντος αναδειξη, τουτον ἢ χειροθεσια ἰερωσυνης επιτελειωσαι.* It is hardly possible to imagine a combination of Latin words so decisively betraying the original, from which they had been literally taken. Whereas, in the hypothetic original set down by me, the meaning is simply, that *that man* shall be fully made a bishop by consecration, whom the *sors* of Christ, as deciding, shall have created. This *lot of Christ deciding*, I have said to mean canonical election and ordination. "Eusebius," writes the Egyptian synod, "finds fault with the ordination of Athanasius, ... a man, who himself, either has not had any ordination, or if he had such, has abdicated" ... (by passing from see to see); "a man, who places religiousness in the magnitude and wealth of cities, and holds as of no account the *lot of God*, by which bishops are appointed." και τον κληρον του θεου καθ' αν εσταχθη τις, μηδεν ἡγουμενος. "Cornelius," writes saint Cyprian, "was made bishop in pursuance of the *decision of God and of Christ.*" This he explains by the concurrent choice
of

of clergy, faithful, and provincial bishops. Factus est Cornelius de Dei et Chrisi ejus judicio. So in the constitutions, named apostolical, in the prayer for the consecration of a bishop, the Deity is besought to qualify the elect, for the dignity του κληρου διδουαι, of giving lots. So Epiphanius, in a text formerly quoted, mentions, that Anastasius succeeded to Alexander, κατα βουλησιν θεου, by the *determination of God*, as well as by the designation of Alexander. In the same sense the council of Ephesus (Labb. III. 549), after deposing Nestorius, intimates to the clergy of Constantinople, that they shall be responsible for the church property to him, that by the *determination of God*, and with the assent of the imperial power, shall be ordained to the see of Constantinople, τω κατα βουλησιν θεου και νουματι των ευσεβεστατων και φιλοχριστων βασιλειων ημων χειροτονησμενω which precedent, being the very first associating the consent of the sovereign with the divine *Dei*, was literally copied by the great council of Chalcedon, after the deposition of Dioscorus, in its intimation to the clergy from Alexandria, then on the spot. Labb. IV. 462. In this sense also, in the same council of Chalcedon, Anatolius (Act. XI. Labb. IV. 697), delivers his judgment, for the removal of Bassianus and Stephen from Ephesus, and for the giving to that city a bishop, who shall be παρα θεου αναδεδειγμενος και παρα παντων των μελλοντων ποιμανεσθαι ψηφισμενος; at once *designated or created by God*, and voted for by *all those* to be placed under his care. So, in the third Roman council under Boniface III., Stephen, bishop of Larissa, suggests, that he had been formerly a layman; that on the death of Proclus, the clergy and people of the metropolis, and all necessary parties framed a *decretum*, comprising his name, as well as those of two other presbyters; and that by superiority of vouchers, he *by lot* gained the best of the election; meliori testimonio, sortito electionis palmam promerui. This ordination, though irregular, yet is maintained by Stephen, the petitioner, to be *secundum Deum*. Labb. IV. 1692.

Thomassin, P. II. Lib. 2. C. X. §. 17, adverting to this third pseudo-canon, of which, however, he did not suspect the genuineness, had the sagacity to perceive, that the *lot* was not to be taken merely for

casting

casting lots. "The council of Barcelona," says he, "reserves the entire
 "of elections to clergy and people; but with a *proviso*, that two or three
 "should be elected, out of whom the metropolitan and provincial
 "bishops were to select one, *either by lot, as the words of the canon
 hint, or even by a different lawful mean.*" Vel sortito, ut canonis verba
 innuunt, vel *ratione quavis alia legitima.* Now, the, *sortito*, occurs in
 the memorial of Stephen of Larissa; and yet no *lots* were cast in that
 election. The same Thomassin, *ibid.* §. 18, acknowledges, that
 there are no instances of this canon having been acted upon: I think,
 that has been accounted for in this note. But it would not be easy,
 even for the great Thomassin to shew, how the metropolitan and pro-
 vincials could exercise their *judgment* by *casting lots*; or with what
 consistency, or by what authority the ordainers of a bishop, elected
 by *all* the bishops of the province *without lots*, could be therefore
 deposed in a provincial council.

With regard to the case of Stephen of Larissa, I observe a misap-
 prehension of Thomassin. He is of opinion that the *custom*, alleged
 by this bishop, is that which Justinian confirmed by law. It is true,
 Justinian allows a layman to be placed on the list of three; it is true,
 that Stephen held a secular office: but, it is equally true, that the or-
 dination of Stephen was impeached as uncanonical. It is true, that
 Justinian supersedes the consent of provincial bishops. It is equally
 true, that Stephen does not rely on the custom; but adds, that, over
 and above, he had had the testimonies of the congregation, and of the
 bishops of the province. Labb. as above quoted.

LETTER X.

Attempt of Columbanus to justify the Veto by means of a new distinction, and from the practice of Arian kings.—Absurdity of the distinction.—Falsity of the asserted fact.—Warning against the Veto in the practice of those Arian kings.—The Veto and arrangements briefly explained.—Their consequences, as to national liberty and general society.—The catholic bishops in Ireland vindicated from certain slanders of Columbanus, regarding their treatment of the Irish priesthood.

REVEREND SIR,

AFTER thus *clearly*, as we have seen, and *satisfactorily* establishing from eminent *fathers* of the *church*, the *distinction* between “the *testimonies* of the people, the *wish* of the gentry, and the *election* of the clergy;” our author tells us, that he is about to shew, that “all three are all equally *distinct* from the *subsequent* nomination, confirmation or negative of the civil
“ power,

“power.”* I must confess, that I am unable, in this stage of the discussion, to do more than to invite your particular notice to what follows. The article of *Columbanus* is entitled, “Distinction between *election* and *nomination*. The civil power, though protestant, may nominate.” It begins spiritedly; “What! you will say, is a *Nero*, or a *Caligula*, or a *Buonaparte*, to elect a *Peter* or a *Paul*?” The question is exquisitely rational: the answer is admirably explicit.† “Patience, my friend.” Next he hints to his correspondent, that there must be some political designs at the bottom of the swaggering opposition and loud vociferation, which we sometimes observe raised by apparent zeal against *confutation*, however clear. Thus, having drilled his anonymous friend into muteness, he opens the body of his lecture. The *election* of a bishop to a vacant see “is one thing; his *confirmation*, or *nomination*, is another” (thing).‡ Here we have the first step of demonstration. There is a clear *distinction*, forsooth, between *election* and *nomination*. Why? Because *election* is one thing, *confirmation* is another, and *confirmation* is the same thing with *nomination*. But what is the thing called *election*? What is that other thing called *nomination*? You must for a while remain satisfied with the oracular, “Patience, my friend;” for *Columbanus* is going to explain the whole by the medium of a story. “When a contest
“ occurred

* *Columb.* first letter, p. 50. † *Ibid.* p. 51. ‡ *Ibid.*

“ occurred in the *election* of pope Symmachus, A. D.
 “ 503, the clergy of Rome divided, some in favour of
 “ Symmachus, others in favour of Laurentius. After
 “ much *altercation*, both *parties* agreed, that the *no-*
 “ *mination* should be referred to Theodoric, a professed
 “ *Arian*. Theodoric *deputed* a bishop to *proceed* on
 “ a *visitation* to Rome, to *nominate* whichsoever of
 “ the two he should find *most worthy*, and to *confirm*
 “ his *election*. The *imperial* deputy *proceeded* to
 “ Rome, *convened* a synod, inquired into the *merits*
 “ of both candidates, declared Symmachus duly
 “ *elected*, and *confirmed* him by an imperial decree.”*

I hope this story is quite *true*, for it is well told. We have then gained the material intelligence, that, in a *contested election*, both *parties* having referred their disagreements to their sovereign, though an Arian, this sovereign did interfere, and *nominated* or *confirmed* the person found upon inquiry to be the more worthy of the *candidates*. Does not this prove the clear *distinction* between a *nomination* by the civil power, and the *three points*, of *election* by clergy, *wishing* by gentry, and *testifying* by people? Does it not *evidently* prove, that, because the civil governor may be *appealed* to in a case of strife by *both parties*, the civil governor may therefore, without any appeal, or any contest or invitation whatsoever, interfere and decide? This novel jurisprudence, which invents

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a clear

* Columb. first letter, p. 51.

a clear *distinction* by obliterating all difference between quelling a riot in the streets and making a domiciliary visit; between going to *dine* upon invitation, and *breaking open a house*, without request, is entitled to wonder. Yet, we are left in the dark as to the nature of this *nomination* or *confirmation*. The deputy, says *Columbanus*, declared Symmachus *duly elected*. Of course the act of *nomination* had been unnecessary, if the *election* were not questioned. The deputy *confirmed* Symmachus by an *imperial* decree. Of course this *confirmation*, being the *same* as *nomination*, was but that, which both parties had yielded to Theodoric by compromise. But in what did its efficacy consist? You must even take the answer of *Columbanus*, “Have patience, my friend.”

“This fact,” continues our subtle *Columbanus*, “is acknowledged by the *hireling* and *servile* adulators of the *court* of Rome, by *writers* residing in the Roman states, *writing* under the *thumb* of the pope, and under the *lash* of the inquisition. Sandini says, that the two opposite parties referred their dispute to Theodric, that he might *nominate* whichever of the candidates he pleased. *Others* pretend, that Theodric claimed the right of *nomination*, in virtue of a law enacted by Odoacer *king of Italy*, that no pope should be elected without his consent. *Certain it is*, and *all parties agree* in this, that

“Symmachus

“Symmachus was appointed by the nomination of an Arian.”*

Now, *Columbanus*, if it is certain and agreed by all parties, that Symmachus was appointed by the nomination of an Arian, why conceal from us all the texts and all the authorities, upon which you rely? How comes it to pass, that, although all parties are agreed, yet not a single witness is called by you? You assert a distinction; you forge a story; you add, that all parties are agreed on the point you had undertaken to prove; and that, thus the one thing and the other thing are settled. I will bring you back to your own narrative, and shew, that in every circumstance you have deviated from the truth.

You say, that, “when a contest occurred in the election of pope Symmachus, A. D. 503, the clergy of Rome divided, some for Symmachus, others in favour of Laurentius.” This is false. The contest between Laurence and Symmachus had occurred nearly four years before; and this pope had held the council of Rome, of which I refuted your account in the preceding letter, more than three years† before this date.

* *Columb.* first letter, p. 52.

† Namely, on the first day of March, 499. *Post consulatum Paulini*, Kal. Mar. Iabb. IV. 1312. In this year Rome had no consul, John Gibbus alone having been appointed in the East. *Marcellini Chronic.*

date. It is true, that there had been a contest between the parties of Laurence and Symmachus. Let us take the account of it from Anastasius, who is the master authority for the fact, and upon whom you have palmed a text, of which he has not one syllable.*

Anastasius. “ This Symmachus was ordained in a
 “ division, on the same day as Laurence, the for-
 “ mer in the Basilic of Constantine, the latter in the
 “ Basilic of the B. Virgin. On which account the
 “ clergy was split, and *the senate* went into parties for
 “ Laurence or for Symmachus. By matter of com-
 “ promise, both sides covenanted, that Laurence and
 “ Symmachus should go to Ravenna to have their
 “ cause adjusted by king Theodoric. There they ob-
 “ tained the following equitable decision, that which-
 “ soever of the two had priority of ordination, or on
 “ which side the vast majority of suffrages should be
 “ proved, that one should sit in saint Peter’s chair.
 “ After a fair and strict investigation, this was at
 “ length found to be the case of Symmachus, and
 “ he became pope.”† Such is the original authority,
 upon

* Columb. in his note, *ibid.* “ Visitatorem episcopum Romam misit, recrudescente discordia, synodum indixit, Symmacho Pontificatum confirmavit. Anastasius Bibliothecarius in vita Symmachi.”

† Hic sub contentione ordinatus est uno die cum Laurentio ; Symmachus in basilica Constantiniana, Laurentius in basilica B. Mariae.

upon which all later historians have drawn, for the contested election. Let us annex the statement given by Platina, the earliest of the moderns. “Symmachus is ordained in great strife...A dreadful sedition took place amongst the senate and people, divided into two parties. Wherefore, by general consent, a council is summoned to Ravenna; an investigation takes place, in the presence of king Theodoric, and Symmachus is confirmed in the popedom.”* In which of these two statements are we to look for the clear distinction and the appointment and nomination by an Arian King? There was altercation among the clergy, says Columbanus. This clerical altercation turns out to have been a civil war, or a dreadful sedition, wherein senate, people and clergy were arrayed on either side. On the very first day
of

Ex qua causa separatus est clerus, et divisus est senatus. Alii cum Symmacho erant, alii cum Laurentio; et, facta conventione (not contentione), hoc constituerunt partes, ut ambo Ravennam pergerent ad iudicium regis Theodorici. Qui, dum introissent Ravennam, hoc iudicium aequitatis invenerunt, ut qui primo ordinatus fuisset, vel ubi pars maxima suffragiorum cognosceretur, ipse sederet in sede Apostolica. Quod tandem aequitas in Symmacho invenit et cognitio veritatis, et factus est praesul Symmachus.

* Platina, Cologne edit. 1610. p. 69. Symmachus Pontifex creatur non sine magna discordia...Seditio ingens in senatu ac P. R. bifariam diviso orta est; unde omnium consensu concilium Ravennae indicitur, discussaque re, praesente Theodorico, Symmachus tandem in Pontificatu confirmatur.

of this *altercation*, the murder of Symmachus was attempted by the *dissentient* populace.* Now, let us suppose, that no contest had occurred during the election of Symmachus; that he or any other Catholic bishop had been opposed, after twenty years of peaceable episcopacy, by a formidable party of clergy and laity, and that murders and riots ensued. Would not the sovereign, in such a case, have a right to interfere, to examine, and to be informed, from whence the disorders arose; to enquire, in what principles they were agreed on both sides, and by what authorities or rules they would consent to have the cause decided? If the sovereign, whatever be his religion or irreligion, have not such a right, in such a case, I am at a loss to know in what sovereignty or government consists. If moreover the contending parties, aware of the scrupulous impartiality of this sovereign, agree voluntarily to take him for their umpire, on a question of *fact* and *possession*, in consideration, that by the medium of the public force the public tranquility shall be guaranteed; the case of Symmachus was evidently neither a case of *appointment*, nor of *nomination*, nor of *confirmation*, as distinct from *election*, or as essentially connected with an *election* to a *vacant bishopric*. It was an irregular remedy, if you will;

† In fragmento apologet. Symmachii adversus Anastas. Imp. Labb. IV. 1297. Inter imbres lapidum totus evasi. Judicavit Deus.

will; but it was the only or the best remedy, from the circumstances related by Anastasius, with whom the entire credit of this history begins and ends. Now, the words of Anastasius are followed by Fleury, with this difference, that, according to Fleury, Symmachus, after the investigation, was *recognized* the lawful pope. “ Il se trouva que c, etoit Symmaque; ainsi il fut “ *reconnu* pour Pape legitime.” What does *Columbanus*? He claps down this French in his note, and informs his *believers* in English, that “ *all parties* agree, that Symmachus was *appointed* by the *nomination* of an Arian.” There is candour!

For the purpose of giving size and circumstance to the airy nothing of his *distinction*, *Columbanus* has soldered anachronism upon fabrication. He cooks, and serves up, in one and the same dish, two facts, as separate as the battle of the Boyne and the Copenhagen expedition. He connects the sending of a *visitor*, from the court of Theodoric, with the *contested election*; although not only in time, but in cause, those two facts are totally independent on each other; although, for the *compromise* we have no ancient authority, but that of Anastasius: whereas for the *visitor*, we have the most abundant and most authentic cotemporary evidence.

Symmachus had been bishop of Rome without opposition for nearly two years, when the emissaries of Anastasius, the Greek emperor, upon an *ex parte* suggestion,

suggestion, that the pope was guilty of capital crimes, applied to Theodoric for summary vengeance. Theodoric, unfortunately, as *Columbanus* remarks, a *professed Arian*, but then a most upright, as he was a most accomplished prince, summoned an *episcopal synod*, to judge on their colleague, instead of using his civil sword.* Through the same partial suggestion, a bishop, Peter of Altinum, was appointed *visitor*, which, in English, means *administrator of the spiritualities*, in Rome, until the synod should have decided the cause of the pope. The episcopal meeting passed from Ravenna to Rome. In the mean time, the bishop of Altinum, who, against the canons, had procured himself to be appointed administrator of the principal church, was led to trespass further against all law. He seized upon the temporalities of the see, took possession of the Lateran palace, and carried himself as ordinary bishop of Rome. Symmachus, as became his own innocence and the majesty of his station,

* Of these proceedings, we have yet remaining, the precepts of Theodoric to the bishops, the message and commission from him to be read in synod, and the report of the bishops themselves, in which all the essential points are set forth. We have moreover, the vindication of the synod by Ennodius, then an officer in the court of Theodoric, and afterwards bishop of Pavia. From all these the account in the text is extracted. Labb. IV. from 1323 to 1333, and from 1340 to 1358. In the synodical proceedings, however, the order of time is inverted in all the editions, and the last session of the council is put foremost.

station, retired from the capital. When the synod re-assembled on the spot, the king's precept was read, and a two-fold difficulty stopped the proceedings. The regal message suggested, that the pope had been accused before him of capital crimes, of which the judgment was remitted to his compeers; while the partisans of the *administrator* had declared, that the king himself had had full evidence of the guilt. The second difficulty was, that no synod could be convoked without the papal authority, much less could a synod assemble to try a pope, upon a charge, which by the temporal laws was capital, and therefore, if proveable, was to be proved elsewhere. The pope, however, appeared in the assembly, in a second session, authorized the meeting, and gave to it full power to take cognizance of every misdeed, by what order soever of ecclesiastics committed.* He merely

4 E

insisted

* From the report of the bishops. *Sed potentissimus princeps ipsum quoque papam in colligenda synodo voluntatem suam literis demonstrasse significavit; unde a mansuetudine ejus paginæ postulatae sunt, quas ab eo directas constabat.* The bishops, it appears, would not take the king's word, unless they had the papal consent in writing; ...*et dum in venerabili collectione sermo de incipiendo negotio haberetur, sanctus Symmachus basilicam...ingressus est et de evocatione synodali clementiss.* Regi gratias egit et rem sui desiderii evenisse testatus est...*auctoritatem ordinis corrigendi, si ut posebant ecclesiastica instituta se dare professus est.* On this humility of Symmachus it is remarked by Ennodius; *Et quod posset fidei corda justii doloris aculeis excitare, venerando concilio auctoritatem etiam contra se, si mereretur, indulisit.*

insisted on restitution of what Peter had usurped before a trial, as the law commanded. A trial, however, was not what the other party wanted. They wanted murder. Symmachus and his clergy, and the infinite retinue of faithful and Roman matrons, who accompanied with tears their pontiff, a convert from heathenism, were set upon by the ribalds of the other party. Several were massacred, amongst whom was the saintly presbyter Gordianus, the father of pope Hormisdas, and the grandfather of pope Silverius. Symmachus is rescued by an Arian officer of court, and declines to attend the synod any more. Whereupon the bishops assembled frame a process, reciting the material circumstances, and thereby declare, that neither they nor the king had any evidence of guilt before them; that the accusers, after proceeding upon the supposition of guilt, ready to be proved, had demanded, against all law, to have the slaves of Symmachus put on the rack, in order to make out a *proof* of guilt; that they, the bishops, remit the cause to God, and declare the pope, fully and effectually re-established in his see, restoring to him, in virtue of his commission, every exterior right, possession and advantage, which to the bishop of Rome appertained, or could appertain. This done, Symmachus continues the council. The *administrator* is anathematized,* and so the *imperial commission* terminates.

* From the submission of John the deacon. Labb. IV. 1401.

terminates. Such are the facts, which *Columbanus* most wittily and adroitly hitched into his *nomination* and *appointment*; and which he thus related; “Theodoric deputed a bishop, to proceed to Rome on a *visitation*, to *nominate* whichsoever he should *find* most worthy, and to *confirm* his election. The imperial deputy *convened* a synod, *inquired* into the *merits* of both candidates, declared Symmachus *duly elected*, and *confirmed* him by an imperial decree.” A stretch of boldness, I presume, not often paralleled in the resources of imposture.

The supposed reference of the claims of Symmachus and Laurence to the Arian king, I have explained from the general rights of government, in a case of public sedition. It is remarkable, that Theodoric himself, in his second precept to the bishops, when Symmachus was capitally accused, restrains his own interference, and justifies it by this same principle: “It belongs to your cognizance and to God’s, to decide this cause, in order, at all events, to restore *peace*, by your sentence, to the clergy, senate and people of Rome. If you will even compromise this affair without a trial, you and God are to determine that; provided only, that, by your deliberation, tranquility be brought back to the clergy, and senate, and people.”* The same

* Precept 6 Kal. Oct. Vos noveritis et Deus, quid in ipsa causa judicare debeatis, pacem omnibus modis clero S. et P. R. post judicium reddituri,

same reason he had alleged in his former precept;* he repeats it in his third precept;† and when present in the last session, he declared, that beyond this stipulation, he had no concern with *church matters, but to reverence them.*‡ Such was the honour and the conscience, or at least the decent moderation of this *Arian king*. His dotage was cruel, I allow; but, his first years of government were exemplary. He sought no dominion over the catholic church of Rome; he neither insisted on, nor exercised a right of

redditori, ne qua turbatio, ne ulla discordia in civitate remaneat: sive vultis ut quod propositum est transignatur (*not transeat*) sine discussione negotium, vos sciatis, et Deus qualiter ordinetis, dum pax clero, senatui populoque R. sub vestra ordinatione reddatur.

* Dated, 5 Id. August. Ut non diutius urbs regia *turbarum tempestate* fatigetur, sed vestri æquitate iudicii redeat ad quietem...Fas est vestrae aestimare providentiæ, si...sit tolerandum, soluto sine aliqua definitione concilio, sub incerto ecclesiam, sub hoc certamine, *Romanam perdere civitatem.*

† Oct. 1. Nec a nobis ordinis vestri expectetur forma iudicii; sed vos qualiter vultis ordinate; sive discussa, sive indiscussa causa, proferte sententiam, de qua estis rationem divino iudicio redditori, dummodo, sicut sæpe diximus, hoc deliberatio vestra provideat, ut pax, etc.

‡ Serenissimus rex taliter, Deo aspirante, respondit; in synodali esse arbitrio in tanto negotio sequenda præscribere, nec aliquid ad se præter reverentiam de ecclesiasticis negotiis pertinere; committens etiam potestati pontificum, ut sive propositum vellent audire negotium, &c. *Dummodo venerandi provisione concilii pax in civitate R. christianis omnibus redderetur.*

of *nominating*, or of *confirming* popes. The *acknowledged fact of Columbanus* is a reverie. Who those writers may be, that have confessed this reverie, under the *thumb* of the pope and the *lash* of the *inquisition*, I know not. Anastasius compiled his Pontifical Biography at Rome, undoubtedly. However, he wrote about four hundred years before the inquisition was mentioned in the christian world, and about seven hundred years before it was introduced into Rome; for, surely, *Columbanus* cannot be ignorant, that Paul the fourth, the contemporary with our Elizabeth of England, was the first to establish an inquisition in that city. As to the authority of Sandini, it is less than none; nor will I stop to convict *Columbanus*, of having wronged even that miserable creature. But, when our author gravely tells us, that “others pretend, that Theodoric claimed a right of nomination in virtue of a law of Odoacer,” I am amazed at the ignorance of so deep a canonist. Pray, *Columbanus*, have you not read the *original* of this fabricated law, in the Roman synod? Can you be ignorant, that this law, though a gross forgery, relies on the grant of *pope Simplicius* to Odoacer? * That this law was
condemned

* Constitutum Synmachi in synod. R. IV. § II. The following is a copy of the pretended regulation. Cum in unum apud B. Petrum Apostolum *resedissent*, (without any names or date), sublimis atque eminentiss. Vir, Præf. Præf. atque Patric. agens etiam vices
præcel-

condemned and annulled by Symmachus in full council,* which that pope never could have done, if his own election had been *confirmed* by virtue of its provision? In truth, you knew nothing of all this, nor did I mean to charge you with any such knowledge, when I put those questions.

Yet, on such grounds as these, *Columbanus* argues *theologically*, if so God please. Symmachus, he argues, must have been validly a pope, notwithstanding such (unsubsisting) nomination, else his pontifical acts were *void*. But, it would be *heresy* to impeach those acts as void. Therefore, “the nomination by
“an Arian, and *a fortiori* by a protestant prince, is
“not inconsistent with catholic faith; and consequent-
“ly, the civil power, though protestant, may exercise a
“limited negative in the appointment of catholic
“bishops.”† Excellent logic, and clear deduction, and right good theology! But let us not cross our
author

præcellentissimi Regis Odoacris Basilius dixit; Quamquam studii nostri et religionis intersit, ut in episcopatus electione *concordia* principaliter servetur Ecclesiae, ne per occasionem *seditionis status civilis* vocetur in dubium, tamen *admonitione* viri beatissimi *Papae nostri Simplicii*, quam ante oculos semper habere debemus, hoc nobis, meministis *sub obtestatione fuisse mandatum*, ut propter illum *strepitum* et venerabilis ecclesiae detrimendum, si eum *de hac luce migrare contigerit*, non sine nostra consultatione cujuslibet celebretur electio. Labb. IV. 1334. 1335.

* Ibid. † Columb. first letter, p. 53. 54.

author in his full gallop. We shall overtake him at the winning post.

Columbanus passes to an amplification of his *proofs* under this title; "Popes nominated by Arian kings."* Beginning with a falsified text from scripture, and flinging a hoof at bishop Milner, he informs us, that a *clergyman*, before he exhorts us to *martyrdom*, rather than grant a negative to the civil power, must prove, that to grant a negative would be to renounce the *faith*: that there is more danger to the *independence* of the *church*, from the *usurpations* of bishops, who bequeath their sees in spite of the (famous 52 Arabic) canon of Nicaea, than there could be possibly from a negative. Because, in the *bequeathing* power there is *no election*, but under a *negative*, there would be real *independence* of election.† Though it is somewhat dark to me, how *real independence* and *real controul* can subsist together, yet I own this preface is splendid. Now comes the reasoning. If even this instance (of Theodoric and the *visitor*) were solitary, yet the argument is *invincible*: for if an Arian *nomination* were repugnant to faith, the church could no more admit of it, even in one instance, than *she* could in any instance allow us to deny the *blessed trinity* or *incarnation*. The argument may be surely invincible for a certain temperature of understanding. But let us hear the other facts. Felix IV., says *Columbanus*, was not only
nomi-

* *Columb.* first letter, p. 53. 54. † *Ibid.*, and 55. 56.

nominated by the same Arian king, but he was *nominated previously to any election* of the clergy. The clergy remonstrated against *previous nomination*, insisting, that ecclesiastical *election* should precede all civil interference. Theodoric persisted, claiming a right *in virtue of Odoacer's law*, and the dispute terminated in a *concordatum*. The clergy received the *nomination pro hac vice*, on condition, "that, in future, " the *canonical discipline* should be observed; *namely*, " that election and *presentation* should be made by the " clergy, and that *Theodoric and his successors* should " confirm or *negative* the pope elect, as he *might deem* " most expedient for the safety of the state. These " facts are admitted by Baronius and Sandini."*

I must stop *Columbanus*. Allowing, for the moment, his *Sandini* to be worthy of notice, I charge him with grossly wronging his voucher. *Sandini*, as appears from the text quoted, asserts, that Theodoric *went beyond the usurpation of Odoacer*. *Columbanus* asserts,

as

* Columb. *ibid.* p. 56, 57, 58. " Felix, &c. Pontifex a Theodorico " designatus est. Quo facto Theodoricus non solum *confrimundi*, ut " ante Odoacer, sed etiam *eligendi* jus sibi usurpavit. *Restitit acriter* " *clerus Senatusque Romanus...electioni*. Ea demum lege composita res " est, ut in posterum *more pristino* *clerus eligeret* R. pontificem, quem " rex confirmaret assensu suo. Haec *eligendi pontificis* ratio tamdiu " obtinuit, quamdiu stetit *regnum Gothorum* in Italia; quo labefactato, " eam sibi auctoritatem vindicaverunt Orientis imperatores. Sandini. " *Baronii Annales ad an, 526. § 24 and Pagi ad eundem annum, 28.*"

as from Sandini, that Theodoric claimed the right of previous nomination *in virtue of Odoacer's law*. Again ; “Sandini tells us, the clergy and *senate of Rome* fiercely “resisted the” (sole) “election by Theodoric.” Columbanus, in order to make out his distinction, which gave election to the clergy alone, and gave wishing to the gentry, transmutes the election by Theodoric into previous nomination, changes resistance into remonstrance, and omits the *senate* altogether. Sandini relates, no matter how absurdly, that the dispute ended in a compromise ; namely, that, according to the *ancient usage*, the clergy should elect one, whom the king should establish or confirm by his assent. Columbanus turns *ancient usage* into *canonical discipline* : he metamorphoses election into election and presentation, in order to give to the king's assent, not only a pre-existence to this compromise, but to make it a piece of the *canonical discipline*. Lastly, he adds, from his own forge, to the word confirm, these following ; “or negative the pope elect, as he,” namely, Theodoric “and his successors might deem most expedient for the safety of the state ;” thus stultifying the whole compromise by the introduction of an arbitrary veto, and tacking to a *congé d' elire* a perpetual letter missive of negative command.

Such is the fair dealing of Columbanus towards his unhappy witness. We shall see ere long, to what credit Sandini is entitled, as to the compromise and its continuance under the successor of Theodoric. For

the present, let us expunge one or two ignorant falsehoods of our author. "Felix," says he, as if on the authority of Baronius and of Sandini, "was designated without any previous election by the clergy." He forgets, that a *contested election* during fifty-eight days had preceded, and that a pretext was thus afforded for putting in the cloven foot of civil interference. "The clergy," says he, "made a *concordatum*, that "Theodoric and his successors should confirm." He forgets, that Theodoric had been dead, before the senate of Rome consented to *elect* Felix; and that the successor of Theodoric returned to that senate unbounded thanks "for having *corresponded*, in the "election to the bishopric" of Rome, "with the decision "of his *grandfather*."* "Theodoric," says Columbanus, "claimed in *virtue of Odoacer's law*." But Odoacer's law had been openly declared null by the council under Symmachus. But the successor of Theodoric, far from alluding to any law, excludes this surmise, when he informs the senate, that Theodoric, though of a quite different religious persuasion, after long council, had made his choice on one, to whom none could possibly object; and that it was glorious for the subject to yield his partialities to those of the sovereign * This savours very little of a *concordatum*, or
of

* *Gratissimo profitemur animo, quod gloriesi domini avi nostri respondistis in episcopatus electione iudicio. Oportebat enim boni principis*

of a claim through Odoacer's law, or of the clergy receiving a *nomination pro hac vice*. "We are compelled," says our author, "by the whole *tide and current of ecclesiastical history* to confess, that the *nomination* of the pope was *vested* in the Gothic kings of Italy, *whether catholic or Arian*, during the whole period of the Gothic government, from the reign of *Odoacre* to the reign of *Justinian*." *Columbanus* here rises into the great sublime, and to the plural *we*. Perhaps, after all, this *tide and current*, that *compels* him will prove itself a miry torrent. Perhaps, he will be discovered here, as heretofore, to be a deluded man. It manifests a ready and comprehensive acquaintance, no doubt, with the *ecclesiastical history* of those times, to talk of Gothic kings, "*whether Arian or Catholic*," between Odoacer and Justinian; as if one should *guardedly* introduce *Otaheitan* kings, *whether heathen or schismatical*, from Captain Cooke until George the third. The broad seal of his *divine right* may reach collaterally, for aught I know, to those little incidental questions of vulgar history: so let the Gothic kings of Italy, "*whether Arian or Catholic*," pass unmolested, unless by this remark; that, if those kings were *Catholic*, we are out of the question: the title of his chapter had had been "Popes nominated by *Arian* kings."

In

principis arbitrio obediri.....qui sapienti deliberatione pertractans, quamvis in aliena religione talem visus est elegisse, ut nulli merito debeat displicere. Cassiod. Epist. 15. L. 9.

In spite of the whole *tide and current* of our author's ecclesiastical knowledge, it will now appear, that from the first to the last of the *Gothic kings* of Italy, neither by law nor by compromise was the *subsequent nomination* of popes vested in them. From Simplicius, in whose pontificate Odoacer took Rome, to Silverius, when Rome was again conquered by Belisarius, the intervening popes were, 1. Felix III., 2. Gelasius, 3. Anastasius, 4. Symmachus, 5. Hormisda, 6. John, 7. Felix IV., 8. Boniface II., 9. John II., 10. Agapetus. Of these the foremost three were freely chosen, says Thomassin: the attempt of Odoacer on church liberties, i. e. *that no popes should be made without his consent*, being frustrated, on account of the protracted war, which occupied him and Theodoric for the sovereignty of Italy.* Thomassin appears to have considered the law under Odoacer as genuine; whereas, most plainly, it was a fabricated writing, of which the council under Symmachus had never known the existence, until alleged by the schismatics.† Thomassin continues; The
schism

* Thomassin V. et Nova Disciplin. Part 2. Lib. 2. Ch. 16. § 3. Primi quidem hi et praelusorii fuere conatus. Sed ea quidem abrupta et dissipata sunt consilia diutinis cruentisque bellis Odoacrum inter et Theodoricum regem...Felix, Gelasius et Anastasius post Simpliciana electi fuere liberis secundum canones cleri populique suffragiis.

† Labb. IV. 1334. *Dixerunt inter alia scripturam quandam illustris memoriae Basilium conscripsisse...Sancta synodus dixit, deferatur in medium, ut ejusmodi sit possit agnoscī.*

schism, which took place between Laurence and Symmachus, afforded an opportunity to Theodoric of usurping the entire authority of election. But this excellent and wise king, though unhappily an Arian, preferred the fame of equity and religiousness to an increase of power. After the death of Symmachus, he allowed Hormisda and John to be freely chosen.* Thus we have got over six popes. In approaching the cause of Felix IV. and the *concordatum* of our author, it may be proper to advert to the exit of pope John. The emperor Justin in the East had deprived the Arians of their churches. Theodoric, now aged and suspicious, imagined the senate of Rome and all the Catholics to have conspired against him. He accused the senate of treason. Boethius defended their innocence. The king seized on Boethius and Symmachus, the principal senators, and cut off their heads. He forced pope John to travel to Constantinople, threatening to exterminate the Catholics, unless the forfeited churches were restored to the Arians by Justin. The pope's embassy failed; and therefore, on his return, he was shut up in a dungeon, and murdered by duress of imprisonment. Such was the preface to the *designation* of Felix IV.; and such are the inviting precedents, to which *Columbanus* leads us back. To proceed; Felix IV. was not created by *subsequent nomination*, but by previous
 dictation

* Thomassin. *ibid.*

dictation. This *Columbanus* grants. After the death of Felix IV., writes Thomassin, a schism took place between Boniface II. and Dioscorus. But whether it originated from any attempt by Athalaric to force a pope on the church of Rome, *we have no evidence whatsoever.** John II. and Agapetus succeeded *without any consent or knowledge* of the Gothic kings, who were occupied at a distance in various wars.† Thus we have counted nine popes. Silverius, the last and the most remarkable, is omitted by *Columbanus*, or was drowned *in his ecclesiastical tide*. “Silverius,” writes Thomassin, in the words of Anastasius, “was raised
 “ by the tyrant Theodahates without any instrument
 “ of free choice. Theodahates, having been bribed,
 “ menaced the clergy by proclamation, that any one,
 “ not consenting to such ordination, should have his
 “ head taken off. Certain *priests*” (or bishops) “did
 “ not sign for him according to the ancient usage, nor
 “ *confirm* his election before the ordination. *After*
 “ Silverius *had been ordained* under violence and
 “ error, the presbyters signed for him, *for the sake of*
 “ *re-uniting*

* Post Felicis obitum schisma rursus erupit...an ex eo quod Athalaricus Pontificem obtrudere tentaverit, *omnino non constat*.

† Joannes et Agapetus sedem Apostolicam obtinuerunt inconsultis Gotthis regibus, qui et ipsi variis alibi bellis distinebantur. *Ibid.*

“*re-uniting the church and the ecclesiastical body.*”*

What became of pope Silverius, we all know.

Such was the catastrophe of an interference by Gothic kings. In the matter of fact, *Columbanus* has asserted as generally true, what is universally false. At the same time, he has had the wisdom to conceal the effects of *Arian nomination*. If even a *concordatum* had been entered into, we find, that it was bloodily violated. But we restore that dream to our author and his Sandini. One passage more from Thomassin. “A
 “power of electing bishops of Rome had been sought
 “after, and now and then seized upon by Gothic
 “kings; but it could not take root, nor gain certainty.
 “It burst forth only twice or thrice, in the case of
 “*tumultuous elections*, or on account of clerical ambi-
 “tion. Justinian *claimed it*, as a right for himself
 “and his successors. So that, in Rome and in the
 “principal cities of Italy, no bishop could be made
 “without taking from Constantinople an *imperial con-*
 “*confirmation.*”

* Silverius natione Campanus, &c. Hic levatus est a tyranno Theodato sine deliberatione decreti. Qui Theodatus corruptus pecunia talem timorem indixit clero, ut qui non consentirent in ejus ordinatione gladio punirentur. Sacerdotes quidam non subscripserunt in eum secundum morem antiquum, neque decretum confirmaverunt ante ordinationem. Jam autem, ordinato Silverio sub vi et metu, propter adunationem ecclesiae et religionis subscripserunt presbyteri.

“*firmation.*”* Here Justinian claims as a *right* that, which the Gothic kings had not been able to establish by force; and this is nothing else than the *confirmation* of a bishop elect. Thomassin, therefore, never swam in the *tide and current*, which forced our author to confess a nomination, *vested* in the Gothic Arian kings. But Thomassin was ignorant of all histories, except those really existing. He had not the address to create facts, and then quote them.

It is time to dispatch the *invincible* argument of *Columbanus*, which I promised to overtake, and which amounts to this reasoning. The *appointment* of Symmachus by an Arian, if *inconsistent* with the divine rights of episcopacy, if *repugnant* to revealed faith, would have made his pontifical acts *invalid*, would have interrupted the succession, and rendered null all ordinations by Symmachus. But to assert this, would be *heretical*. Therefore, the nomination of a pope by an Arian prince is not inconsistent with revealed faith; and therefore Arian princes may nominate; that
is,

* Thomass. *ibid.* *Tentata* ergo et aliquando usurpata fuerat a Regibus Gotthis Papae eligendi *potestas*, nunquam satis fixa aut firmata; ut quae bis terve dumtaxat eruperit, ex occasione tumultuosarum electionum et grassantis clericorum quandoque ambitionis. *At illam* sibi successoribusque suis Justinianus quasi certo & constantissimo *jure* vindicavit, ut nec Romae deinceps, nec in famosioribus Italiae urbibus episcopi crearentur ulli, nisi quos Imperator C. Politanus confirmasset.

is to say, may *negative* or *confirm* catholic bishops elect. One instance of such nomination is sufficient proof; because, the church could no more *in one instance* admit of a nomination, being *against faith*, than could the same church *in any instance* allow us to deny the incarnation.

I will not fasten on the word *appointment*, so misapplied to the case of Symmachus. But I will try to match the *invincible* argument with one or two intelligible parallels.

First. The surrender of a besieged town to an enemy by capitulation, if inconsistent with the *sacred* duty of allegiance, would make all the conditions of such surrender null and void, as well for the conqueror as for the conquered. But, to assert this latter, would be immoral. Therefore, an enemy may conquer a loyal town. Therefore, an enemy *may lawfully be received into a loyal town*. Because, an enemy could no more *in one instance* be received, than could the duty of allegiance *in any instance* be denied to be sacred.

Another parallel. The parley and compromise with a highwayman to take your purse and garments, and to spare your life, is not *inconsistent* with the *right of property* declared in the ten commandments. If it were, no man's life would be certain at times; and this would be against self-preservation. Therefore, a man may give up his clothes and money to a highwayman.

Therefore, a highwayman may, *consistently with the right of property*, take your purse and garments. Because the principle of such right could no more allow the compromise to take effect *in one instance*, than it could allow murder to be lawful *in any instance*.

In these two parallels it may be observed, with what taste and accuracy the transition is made from the *acquiescence* of the party *forced*, to the lawfulness of the act generally. To this conclusion has the *universal rule*, handed down from age to age, by our *Columbanus*, at length arrived. The *consent* of the majority of the clergy has been discovered at last to mean the choice of a lesser evil, not an uncontrouled preference. The *wishes* of his *gentry* are reduced to be *content* with that one, whom the *Arian* prince may not *deem it most expedient for the safety* of the state to *negative*. The rule of saint Leo, and the homily of Origen, and the injunctions of pope Celestine, *who sent saint Patrick into Ireland*, are most felicitously reconciled with an unlimited controul of a *greatest political expediency* resting in the breast of an *Arian* prince. This *new* controul becomes a part of ancient *canonical discipline*; it acquires three new names, *nomination*, *confirmation*, or *appointment*, and, after all, is very consistent with the *real independence* of election.

I will not be so cruel as to ask *Columbanus*, on what ground of theological calculation he rests his *a fortiori*

in behalf of a *protestant* over an *Arian* civil power ; nor what he means by limited *negative* in the *nomination* of catholic bishops, after he had explained his *nomination* to be the power of *negating* or *confirming* ; nor what was the effect of his *Arian confirmation*. But I think, that, without all that vertiginous argumentation, under an *Arian* prince *independent election* may subsist, on the principles of our author, without the possibility of choice. Let us only suppose a Metropolitan see vacant, and that, according to the direction of Leo I., the bishop is to be taken from the clerks of the Metropolitan church. May not the *Arian* king deem it *most expedient for the safety of the state*, to banish all the clergymen but one? Undoubtedly. Of course, that *one* clergyman remaining will be made the bishop, or else no bishop will be made. So that, without either a *previous* or a *subsequent nomination*, our *Arian* prince reduces the *free* electors to take what he leaves them. The *independent* electors are perfectly at liberty (unless the *Arian* prince think otherwise *most expedient*) to have *no* bishop, as convicted felons are entirely *free* to *consent* to stay where they are, if allowed to stay, or to *chuse* their bread and water. This, it will be said, is a case of slavery. It is not, in the scheme of *Columbanus*. It is a case of arbitrary *greatest expediency*. It is oppression, I confess, or hostility. Such however is the conciliating principle, which, in the more elegant dress of a *veto*, our author represents as *canonical discipline*.

When

When *Columbanus* parallels *denying* the faith with *allowing* an *Arian* interference, he first *mistakes* his own opinion for that of those whom he contends with, and he next overleaps the points of disparity. In *his* system, very possibly the bishop, appointed thus, might be *no* bishop, inasmuch as his *universal* rule would fail. But in the persuasion of those, who hold the validity of *consecration* to depend on the performance of an episcopal function by bishops, willingly and seriously imposing hands on a subject capable of episcopacy, the argument is *not* invincible, nor, in truth, worthy of notice. Again; to deny a point of faith is not allowed *in any instance*. Why so? Because in every instance it would be a crime. Why in every instance? Because it *is in our power* in every instance, *not* to deny the faith. On the other hand, to admit of *Arian* or *Mahometan* interference, such as *Columbanus* has alleged, is *no crime*; because it is *not* in our power, in the given supposition, to avoid it. It is *captivity*, which may advance to the extreme of persecution. The bishops are bound by their office to ordain the most worthy. This duty goes always to exclude the known *unworthy*; it implies, that they shall seek for the more worthy, *as far as these can be had*. But the *Arian* prince draws a circle with his sword round a given number, and round the bishops. Is the *tyranny* of the prince, the *heresy* of the church? Is it *violation of faith* or of *divine rights*

rights to compromise with the highwayman, by giving up your property and saving your life; to chuse for ordination amongst the only fit persons, who are to be found? One should think not. Now, is there any difference between the case of two *candidates*, or one candidate only, *being on the spot*, and the case of *all* but two candidates, or one candidate *being kept back* by the power of the sword?

The question of *Arian* interference, or of any un-catholic interference resolves itself generally into the problem, how far the christian church can redeem itself from death, by submitting for a while to chains. In particular cases the question may be this; how far the church, without selling out its birthright, which is freedom, may render the exercise of its rights auxiliary to the social rights of a commonweal. In all these last-mentioned cases, although their variety is infinite, yet the negative boundaries are the same. The church cannot transfer its own judgment into other hands by alienation, although it may conscientiously engage to reconcile, as far as is possible, its choice of subjects to the social principles of any confederation, which will guarantee its free right. In this, the church merely exchanges a larger title for a more peaceable security. Neither can it gratuitously, or without an implied exchange, or at least a well-founded hope of advancing the cause of christianity, admit a foreign arbitration within its polity; because

because, by so doing, it admits that, which of its own nature will seek encroachment, and which, if become a tyrant, cannot, without infinite prejudice to christian morals, be either shaken off or contradicted. It cannot, in short, either profess itself a slave, or bind its spiritual authority to any exterior symbol or tenancy of the temporal sword. For, considering the power of christianity, even as a mere empire of opinion; as professedly the consolation of mankind; as comprehending all times and climates; as having proved by the experiment of eighteen centuries, that it is beneficent, faithful, and most likely to endure, as long as men are susceptible of remorse, or liable to misfortune, or anxious about futurity; considering, that in its origin, in its progress, in its permanency, it stands contrasted to all political power; if the church were to bind up all its authorities with the duration of any temporal system, it would vainly attempt to share its own perpetuity with that which cannot be everlasting. For which reason, we see, that in every instance, where even the exterior church jurisdiction has been married with the temporal, the fall of the latter has entailed persecution on the church itself, and misery on the christians. To temporal governments the church teaches fidelity. But with no form of government can churchmen irrevocably engage, or pledge, or entrust the spiritual inheritance of the church itself; as no possible number of men can contract for all mankind to be born.

We

We have done with *Arian* kings. *Columbanus* on this subject is no other than he has been on every subject, rather presumptuous, rather over-confident as to the ignorance of his readers, not candid, and not very successful. We have next to consider the merits of the *veto*, as particularly spoken of for Ireland. The subject may appear obsolete; but, forgotten as it may be by the public, it is not given up by politicians, except in the name.

It is well known, that the idea of a *veto* has been rejected by the catholics of Ireland: that all our prelates, in September 1308, declared inexpedient any alteration in the mode of appointing bishops; asserting the ancient manner to be unexceptionable and salutary: that these bishops, at the same time, charged themselves with the burthen of recommending, as they had always done, to the holy see such candidates only, as should be unimpeachable, both as to loyalty and pacific manners. It will never be forgotten, that in February 1810, the three surviving metropolitans and twenty-one bishops published ample resolutions, whereby they committed themselves, in the sight of the catholic world, for their allegiance to the empire, and for the integrity of their religion. On the 2d of March in the same year, a meeting of the Irish catholic committee in Dublin resolved that, as catholics and as Irishmen, they could *never* agree to the *veto*. In passing this resolution, the meeting did nothing more than express the national determination,

determination, which for some months previous had been unequivocally manifested. So distinctly was this famous resolution the expression of Irish sentiment, that, although the declaration of the prelates had been communicated to that very meeting, it was yet agreed, that the committee should resolve, without adverting to what had been just read. To some persons that resolution appeared rash at the time, yet glorious. But as the question could not be kept back, neither was it possible, without incurring the suspicion of treachery, to modify or to distinguish, where the Irish heart rejected *all*. With what applause this resolution was announced, what rejoicings followed its success, what congratulations, what triumph, they who were present will remember, as long as they live. The enthusiasm of the Roman people, when the death of Nero was proclaimed, may have been as violent; but it was neither so patriotic nor so pure: it knew nothing of the spirit of religious freedom.

In the mean time our *Columbanus* had set himself to enlighten the catholics of Ireland on the subject of alarm, and on many other subjects of lesser moment. His leading work, dated in March* 1810,
is

* From certain expressions in this letter, it has been supposed by bishop Milner, that the resolutions of the 24th February 1810, entered into by the Irish prelates, were known to *Columbanus*; and that one resolution in particular, that “the bishops

“neither

is entitled, “*Columbanus ad Hibernos*, or a letter from
 “Columban to his friend in Ireland on the present
 “mode of appointing bishops in his native country.”
 His motto from Horace informs us, that *worth* is
 a stranger to the humiliation of a *repulse*, such as
 candidates for popular dignities must experience*.

4 H

His

“neither desired nor sought any earthly consideration for their
 “ministry, beyond that, which their flocks voluntarily offered from
 “a sense of religion and duty.” *Columbanus* denies having had
 any intimation of the resolutions of February 24, and solemnly
 declares his unacquaintance, at the time his first letter was pub-
 lished, with the proceeding in Dublin, three weeks previous. I do
 not question the solemn declaration of a man still professing himself, at
 least, not denying himself to be a christian. But, as he has impudently
 called bishop Milner a *calumniator*, for making an assertion, which at the
 very utmost was rash and erroneous, because it did not aggravate the
 real guilt of *Columbanus*, I must observe, that all the proofs, which
 our author gives of the *impossibility* of his having known the purport
 of the Irish resolutions, are either perfect nonsense, or unworthy equi-
 vocation. I say no more for the present.

* From the singularity of this motto, has arisen, I presume, the
 common report, which, like all malicious reports, has gained credit in
 Ireland, that *Columbanus* indited his first homily to his friend in Ireland,
 under the new smarting of a repulse in his search after a vulgar
 dignity, commonly called a catholic bishopric. In general, no rule
 for interpreting the motives of violent men is more everlastingly true,
 than the *excusatio non petita*. But *Columbanus* is an exception to
 every rule and every principle. Were this even not the case, it is
 not improbable, that the province of selecting a motto was assigned
 to his printer by *Columbanus* in his hurry to publish. The motto in
 question has been, time out of mind, an item of typographical stock,

like,

His introduction, of which it is impossible to abridge or to parody the singular composition, states, that he had submitted to certain wise men of England a letter from his friend, containing the account of Irish squabbles, and so forth, which appeared to *Columbanus* pregnant with *future* mischief: that, however, some other informer had got the start of him: that, although he knows not what any statesman may be planning, he is *free* to tell his correspondent, that England and Ireland *begin to be better known to each other*; that the monopoly of bishops and the ambition of clergymen have *provoked minute* inquiries into the state of the church; nay, politicians are beginning to weigh *in their scales many circumstances* regarding *marriages, dispensations, excommunications and parish dues*. *Columbanus*, like a brother statesman, forbears either to mention the *circumstances*, or name the politicians, who amuse themselves thus profoundly. He then praises the excellent temperament of the constitution, which permits neither *ins* nor *outs* to raise a *religious* cry; threatens the Irish squabblers with the interference of the justice of peace; is extremely sorry to be *compelled* to acknowledge, that our ecclesiastical manners are corrupt, and that the *Maynooth imperium*

in

like, *Si quid novisti rectius istis*, and, *Vox Populi vox Dei*. In the beginning of the last century, it was used as the title page apology for plays, either rejected by a manager, or damned in some minutes after the prologue.

in imperio has called forth the pity of *sober antifanatical* statesmen, who are willing to *interpose* the salutary *restraints* of legal *responsibility*, as an *egis* of defence between the *liberties* of the *people* and the *Maynooth usurpation*. “The object,” says he, “of “the *insidious clamour*” against the *veto*, “is to *gild* “the *pill* of ecclesiastical domination by giving it “the *colour* of divine right, and to *consecrate* by a “*sacred* name, one of the most *novel* and most *un-
 “nerous* usurpations against the second order of “clergy, the nobility and gentry, that *ever disgraced* “*a christian country*.” Then he tells the story of the *solemn* compact for *bequeathing* sees. He advises his countrymen not to be duped by the equivocating tricks of usurping bishops, nor by their fallacious promises, but to appeal to the protection of *law*; protests, that *he* does not appeal to the passions, because *amongst rational beings* truth is propagated only by persuasion; warns the nobility, gentry and clergy of Ireland not to *sacrifice lives and properties* in the prospect of a *crown of martyrdom*, which the bishops are *so* ready to *promise* for engaging in their cause, until a *national synod*, such as was held *anno domini* 1111, of fifty bishops, *three hundred* priests, *four thousand* abbots and monks, and the *chiefs of the Irish nation*, shall decide, whether we are to believe that bishops may *bequeath* their *sees* like *private property*. He conjures our bishops, by their *salvation*, to reform themselves

themselves in time, or else the people will *inflict* reform on them, in an angry way. The population is too great for the number of priests. Women *far gone in childbirth*, have been seen by *Columbanus* and by his correspondent to *fast* until *after* sunset, waiting for *older and more infirm people than themselves* to take the *sacrament first*.—I have applied to more than one, for an explanation of this complicated phenomenon, regarding the women *far gone in childbirth*. Hitherto none have been able to guess its drift.—Moreover, *Columbanus* assures us, that *murder and robbery* are increasing *in proportion* as private confession is *hurried over*.—What species of priests that can be, which so slightly examines and so hastily, as to skip over the *peccadillos* of *murder and rapine*, he keeps to himself, like a statesman.—He next *humbly* informs the bishops, that there is *not one instance* of bishops *electing* their successors. He informs the public, that *every* priest in Ireland is subject to be thrown on the wide world by the bishop, without any reason assigned, withdrawing his faculties. Again he conjures the *nation* not to be duped by the *hypocritical canting* of the bishops, but to *reform itself*, in union with the bishops, with charity for surrounding sects, and with *love and loyalty* for the unrivalled constitution. He praises the laborious parish priests, whom he had just before exhibited skipping over *murder and robbery*; and gives it as a *well known fact*, that men of the second order of the clergy, deserving of the highset stations,

stations for their learning and character, have been refused employment and *thrown upon the public* by the bishop, for reasons they will not tell out.

Thus have I given, as nearly as I could, the *ultimatum* of twenty-four pages. I do not presume to have represented the entire; because, I confess to have stepped across the groveling and sputtering of inarticulate fatuity, and to have chiefly noticed those passages, in which the idiot phrase swells up, by the aid of paroxysm, into distinct features of malignity. The remainder of his *introduction* consists of certain attempts at ridicule, and of bloody accusation against all the opposers of the Irish *Veto*. With regard to our bishops, *Columbanus* was not surprized at their opposition; "because," says he, "experience shews, that men are never so *artful* or "so *vindictive* in defence of just rights, as in defence "of *usurpation*." Again; "I do not wonder," writes *Columbanus*, "that the bigotry of *ignorance*, the "jealousy to England, the democracy of revolutionists, "and the principles of *rebellion* and *separation* have "coalesced against granting a *limited* negative. On "the contrary, *I foresaw*, that the most outrageous "and opposite passions would confederate to prevent "any and every interference, which might tend to "restrain the uncontroled dominion of Maynooth "within the limits of *just* and *legal* and necessary "responsibility."* This conclusion he repeats again
and

*Columb *ibid.* p. 25.

and again. Indeed it was his best weapon, and is his sole argument, now that we have disposed of his Arian kings, and Arabian canons, “venerated from pole to pole.” “*Two descriptions of Irishmen,*” says he elsewhere, “are hostile to a negative on the part of the civil power; the bishops and the *separatists* or revolutionists.* Both well know, that the *negative* has nothing to do with *Revelation*: that the *French protestants presented parish priests to catholic livings in France.* The *bishops* join in this uproar, in order to preserve their lordly and *unlimited* dominion,” which is the “uncontroled patronage of 200,000 pounds per annum,”† which

* Ibid. p. 109.

† Ibid. p. 5. I would not disgrace my text by admitting the following passage from Columb. letter IV. p. 89. “For the purpose of *appointing their own successors* they have resisted a *limited* negative on the part of the state, which, if it had been conceded, *would have led to extensive arrangements in favour of the poor.* *One million of our peasantry might, ere now, have been emancipated from parish dues and cesses.*” Our author is, I allow, as perfect in *finance* as he is accomplished in the graver studies. Yet he has too *flattering* an opinion of our national credulity. Were the *Veto* to have any effect upon *parish dues and cesses*, it would have an effect quite contrary to that here alleged. But our *financier* omits some few vulgar difficulties to his project; namely, that if those *cesses* are removed from the poor, the relief must be effected through the medium of a *real* compensation to the clergy of the church established, or by an equivalent from the public money. In the former supposition, the landed proprietor, on whom the new burthen should alight, would naturally reprove himself

“ which a limited negative would restrain by the
 “ wholesome provisions of law. The revolutionists
 “ wish to foment religious discord, that they may
 “ work upon the enthusiasm of the population, as
 “ in the late rebellion.” These revolutionists he stiles
desperadoes.

Such is the modest language, and such is the conscientious testimony of a man, stiling himself a catholic priest. Such indeed we had reason to expect from the unnatural slanderer of bishops. The revolutionists opposed the Veto, says this man of blood, in order to keep the million under their control for the opportunity of a new rebellion. The prelates confederated with the revolutionists, in order to retain their usurped possession; and both revolutionists and prelates affect to act from conscience, while they were acting against their conscience. The accusation is capital; but where is the proof? *Columbanus* has no proof but his own assertion. The zealot for ancient canons, which, as he tells us, “ requires a written allegation and proof, “ before a priest can be suspended,” deliberately charges

himself in a further advance of his rents. In the latter supposition, the sum, raised by taxation, must come from the people, at the same time that the consequential relief, thus afforded to the lauds, would be averaged between the proprietor and the peasant, at the very best. Nothing of what our financier throws out could be realized by the creation of new funds. Nothing could be effected, but by a communication of funds existing, and appropriated to objects exclusively anti-catholic.

charges *all* the catholic bishops in Ireland with abetting treasonable designs, and *all* the Irish catholics, who are capable of forming an opinion, with an imagination and purpose of rebellion; and this he presumes to do, on the sole strength of his face. He had *foreseen*, as he tells us, that such coalition between bishops and rebels would take place. It was, therefore, his duty, as a loyal wizard, to have apprized his wise men of England. Some weeks before the bishops had declined the Veto, I too had foreseen and *foretold*, that the *undertakers* of that measure, amongst ourselves, would avenge the discovery of their unimportance at home, by betaking themselves to murderous calumny. I think, that with the sole difference of English, I represented, by anticipation, the identical charges of this unhappy maniac. See Inquiry on the Veto, p. 76, 77.

In every particular, his assertion is as false, as his crimination is felonious. Neither *bishops* nor *catholics* of Ireland opposed a *Veto*, as *limited*; but as, of its nature, *unlimited* and destructive. Neither the *bishops*, nor the *catholics*, who opposed the *Veto*, knew, that it contained *nothing* against *revelation*; on the contrary, they were severally persuaded, that to admit such *Veto*, would be ruinous equally to revealed religion and to the hopes of freedom. Neither did they know, that *protestants did by law present parish priests in France*, until *Columbanus*, as *king of France*, settled that matter.

matter.* But they knew, that *catholics* in England cannot present to livings, which vest, *ipso facto*, in the universities, on conviction of popish recusancy. No principles of *separation* or of *rebellion* were advanced in opposition to the *Veto*; but sound, and constitutional principles, which *Columbanus* is incapable of understanding. No bishops opposed the *Veto*, for the sake of *appointing their successors*.

In January 1799, on the proposal of Lord Cornwallis, and under the impression that the Irish catholics, not only would be saved from the exterminating
 4 I spirit,

* By the edict of Nantz, French protestant lords were secured in the possession of all their seigniorial right and honours. From this it was inferred by some excellent lawyers, especially Dumoulin, who *died* a catholic, and Louet, that the right of advowson, being an honour, was also secured. The church of France never yielded to this assertion. In the troublesome times of Louis XIII., *three* cases were resolved by the parliament of Paris, in favour of collation by protestants; but this was done for the purpose of gaining over the chief heads of the party: in 1652, the king's ordinance declared against all protestant patronage. The protestants obtained an order of council, that they might be allowed to appoint catholic proxies. This order was not put in execution; and the bishops collated freely, until the infamous revocation of the edict of Nantz. What attempts may have been made by the deistical French parliament before the year 1789, I profess to know not; nor would any great moral support be derived from any precedent established by miscreants, who could resolve, that a priest was obliged to administer the eucharist, on serious request, to a man, who should ask it plainly and evidently from a principle of impiety and defiance,

spirit, which prowled and shrieked at our doors, but shortly would be admitted to the privileges of the constitution; ten Irish prelates, being trustees of Maynooth college, sent in to the Irish government a *contre projet* of capitulation, of which the very first article demonstrates, that their proposal was in answer to a preceding summons.* *Columbanus* denounces, in this proposal, the expressions, that “in the
 “vacancy of a see, the clergy of the diocese are to re-
 “commend, as usual, a candidate to the prelates of the
 “episcopal province, who elect him, or any other they
 “may think more worthy, by a majority of suffrages.”
 But so estranged is the man from every visitation of common sense, that even in an instrument, rescinded, as this has been, by a greater authority than that which framed it, he fastens upon points either unexceptionable or praiseworthy, considering, that the project was in fact a capitulation, under the most terrific circumstances of alternative. *Columbanus*, alluding to the words, “recommended as usual,” says,† that “this is the *first instance* in *Irish history*,
 “when the immemorial *election and postulation* of
 “dean and chapter of a vacant diocese has been
 “called

* “At a meeting of the R. C. prelates assembled, &c. to deliberate on
 “a proposal from government, of an independent provision for the R. C.
 “clergy of Ireland, under certain regulations, not incompatible with
 “their doctrine, discipline, or just principles.”

† First letter, p. 121, 122, note.

' called a recommendation: that, in no *public document*,
 " would our bishops have ventured to arrogate the
 " *election* to themselves." It has seldom happened,
 that so much boldness and ignorance have been found
 together, as in this piece of criticism. First of all; the
 term, *recommendation*, was *not* misapplied to the so
 called capitular *election* and *postulation*; because
 neither before nor since the reformation has capitular
 election in Ireland been conclusive with the holy see.
 Secondly; the catholic bishops, in their resolutions of
 1808 and of 1810, applied the term, *recommendation*,
 to their own act of interference in favour of a candi-
 date; although it appears, they considered such *recom-*
mendation as holding far greater weight than any
capitular election. Thirdly; in this very document
 the words, "as usual," are added to the "recom-
 " mendation," whereby the chapters and diocesan
 clergy were left in the possession of whatever authority
 they had exercised until then, with this difference, that
 their application was to be made in the first instance
 to the provincial bishops. Fourth; these words, "the
 " provincial bishops *elect* him, the person recom-
 " mended by the clergy, or any other they may think
 " more worthy," are not, as our author supposes,
 declaratory of a generally established practice, but
 introductory of a new one, as appears both from the
 preamble, "the following regulations seem necessary,"
 as well as from the conclusion, "these regulations
 " can

“ can have no effect, &c.” Fifth; *Columbanus* either dissembles or forgets, that in the vacancy of a see, the practice had been, not only for the *chapter* to *elect pro forma*, but for all the clergy to *recommend*; and that as the practical importance of these several methods was similar, the word, *recommendation*, was fairly employed.

Columbanus gives some further specimens of reasoning on this topic. “ Let it be asked,” cries he, “ was “ Doctor Troy *elected* to Ossory by the bishops of “ Leinster? Doctor Reilly by those of Ulster? Doctor “ Moylan by those of Munster? Doctor French by “ those of Connaught?” The question to be asked was, whether those prelates had been appointed through *election* and *postulation* by *chapter*; and the answer would have been, *No*. Doctor Troy was in Rome, when appointed to Ossory. Doctor Reilly was translated to Armagh without *any* capitular election. Doctor Moylan had had the recommendation of all the provincial bishops and other prelates (in all two Metropolitans and twelve bishops), along with the recommendation of the great majority of the Diocesan clergy. Doctor French had *some* of the chapter and *some* of the clergy; but he, besides, had the recommendation of bishop Fallon his predecessor, and of five or six bishops. In conclusion, our author, under a *Be it remembered*, tells the public, that “ the *parish priests*, “ whom the ten bishops *attempted* thus *basely* to betray,
“ are

“are they, who feed, clothe and maintain, by their
 “*voluntary* contributions, those very bishops:” and
 he then makes his exit in this very affecting sentiment.
 “Englishmen! Irishmen! *nature* has *united* you by
 “*vicinity*, by *commerce*, by *language*, *kindred* and
 “*interests*.” How puny does the, “Reading and
 “writing comes by *nature*,” of Dogberry, the *man of*
acquirements in the play, appear, when compared to this
 exquisite tenderness of brain! From this *natural unity*
 of Englishmen and Irishmen *Columbanus* is led to
 exhort them to “preserve to *each other* their *respec-*
 “*tive* rights;” on which condition he promises to
 them “*a conquest over the tyrant of Europe*.”

But how did those bishops *betray* the parish priests?
 Was it by allowing a *Veto*? No such thing. *Colum-*
banus insists on a *legal Veto*, and on *restraints* besides.
 Was it by not giving to the *parish priests* a right of
election and *postulation*, which they never had en-
 joyed? Surely not. Was it by preventing the
 direct address of *recommendations* by parish priests to
 the holy see? But this could not be prevented by
 the bishops. The men in office of that day wanted
 to abridge, in future, the communication with the holy
 see, if it should be re-established. They wanted to
 hold inquisitorial power over the lives of episcopal
 candidates. For this end, they required, that *one* can-
 didate only, should be recommended to their milling
 process at a time. It would have distracted them
 from

from loftier cares, to watch or to work the grinding of our bishops elect, if the hopper were crowded with candidates. They would have the elective act completed, and the choice individualized, before the secretary's officer put on his spectacles, and widened his ears for *private* and loyal information from captains of yeomanry, clergymen of the church established, accomplished excisemen, grand jurors, petty jurors, tythe proctors and sextons. The sole question left to the bishops was, to decide, whether in a difference of choice, their own judgment or the recommendation of the clergy should preponderate. They decided, naturally and not unjustly, for the predominance of their own judgment, which had been in possession of that greater weight with the holy see. I must say further, that, unless they did so, they could not have introduced the stipulation for the clergy, a body of men, against which all the suspicion and rancour of those times were accumulated, and against whose *dangerous* influence, the propounders of the measure pretended, it was necessary to ensure the state. The express ground, on which those ten bishops proceeded, was the consideration of a *permanent* support for the catholic clergy at large. The express limitation of the admitted interference of the government was, that the latter should, as was just, be *satisfied of the loyalty* of episcopal candidates. The government was to inform the bishops of its objections to their choice: and the whole project was declared *to have no effect* without

without the sanction of the holy see, which the ten bishops promised to *use their endeavours to obtain*, as soon as might be. Here the matter dropped.

More than nine years after this project was handed in, it became apparent, that what had been conceded for ascertaining *loyalty*, was construed in a larger, and in a very different meaning: that the ten bishops had imagined, they were securing their religion against the possibility of reproach, but in reality had been giving a colour for supposing, that our catholic church polity might be subjected to protestant prerogative; that the *proper objections* to the candidate could not be defined, unless by the pleasure of the government itself, deciding through the medium of rival or unfavourable suggestion; that when once the wrenching crow of *church and state* had fixed its point in the centre of our system, it could not be dislodged. It would move and unsettle all, until it had either broken our church to pieces, or forced it to a surrender: because this lever would necessarily proceed to underwork our catholic system, until at least it gained the very corner stones, to which suspicion, jealousy and repeated experiments would conduct it. That, against this disorganizing process, the catholic church would have no possible defence, no rallying stand, no refuge of appeal; whereas the principle of *state expediency* must countervail, being once admitted, all remonstrance or protest in favour of our contrasted ordinances

ordinances and discipline: that, in fine, the political power could assume every thing, while the catholic impotence could resume nothing, could protect nothing, could justify nothing of its own. To the certainty of this process the whole history of compacts between *principle* and *strength* bears witness. But, in the case of the *Veto*, the very misapprehension of most liberal protestants was demonstrative proof. They explained the catholic project by referring it to their own ideas: they found in the document from the ten bishops an *unlimited* negative, *amounting to an absolute appointment*; they found his majesty become *virtual* head of our church; they found *papal influence* at an end; and this *Papal influence* was *catholic hierarchy*. What astonishment and sorrow took possession of the Irish Roman catholics, when the text and the comment were made known, I will not attempt to relate. I myself was a sharer in that public distress, and can, therefore, solemnly attest, that the very worst Irish catholic was sincere in abominating the *Veto*, from motives of conscience. Whatever *Columbanus* may prate of *jealousy* towards *England*; whatever may have been angrily said or published, at the time, against that supposed rapacity, which had promised redress as the consequence of *union*, and, eight years after, came to demand all, that still lingered at home, of Irish feeling, before it would discuss, whether redress were not *impracticable*; the aversion to the *Veto* would

not have been less, if England were *catholic*, or if a catholic king reigned in Ireland, and the *Veto* were demanded by that king. The sentiment was intimately joined with the religious constitution of Irish feeling; because the Irish, for centuries, had identified the comforts of religion with escape and with retirement from the inspection of Power. The very essence of Irish catholicity is, that it is a matter of choice, of predilection, and therefore of entire confidence. By tampering with this confidence, you leave *no* religion for the Irishman; and it is a problem of dreadful conjecture, whether the Irish mind would not acquire fatal energies by the subtraction of that, which at once softens and consoles its giantlike character. To think of binding the nation more firmly to the safety of the *established* church, by taking into political hands any leading strings of our catholic system, is a mistake proceeding from ignorance of fact. You may seize on those strings; you may pull away the system from the people; but the people you will not draw home into your hands. Give to the people a share in your social freedom; they will fight for the constitution as for their lives. Allow the people to retain their religious freedom; they will fight for you as for their souls. You will get back, in importance to the empire, a full value for that liberty you allow at home: that importance will give the durability to your establishment, which you

erroneously seek to obtain, by drying up a ready source of imperial glory, and of influence throughout the catholic world.

To return to 1808; all the catholic bishops in Ireland assembled and declared, as already mentioned; first; that, any alteration in the appointment of prelates would be inexpedient: second; that, the existing mode was *unimpeachable* and salutary: lastly; that they had always recommended, and would always recommend men, only of unspotted loyalty and of peaceable demeanour.

This declaration, so made by persons the most competent to decide on the subject, in a religious point of view, was given without explanations. Yet, in the absence of explicit motives, our sagacious author has discovered a coalition with the principles of *rebellion*. As to the *political* consequences of the celebrated *Veto*, they were laid before catholics and protestants, when as yet the bishops had not assembled. It was represented, that the attempt to gain a controul over our religion, as accompanying a measure of statutable redress, did necessarily indicate, that the redress, which was to be granted along with such controul obtained, would be the *last* redress for Irish catholics; for this general reason, that the *last* attempts of political warfare, and the last conclusions of political treaty, are made against or with the most sacred authorities of the weaker party. It was argued,
that

that in the catholic case, the assertion was palpable; because the catholic authorities of our religion being once neutralized, the medium, through which our grievances were the grievances of *a body*, would be nullified, and our future complaints of a degraded station, or of being allotted a base tenure of freedom, would not appear the conscientious dissent of an *order* of social men, but the obstinacy of a few, abetting the ignorance of the many. The many might be divided by art or by strife, in which supposition, the *catholic* cause would be said, without fear of refutation, to be the cause of *that* party, which declined to ask further redress; inasmuch as the *catholic* authorities had been rendered stationary, or captive. It was stated, that, as the controul over our church, if once gained would never be restored, the Irish catholics ought, if they valued their religion, to demand, that such controul should never be used for the overthrow of their profession. It was stated, that no mere statutable redress of social grievances would adequately secure the catholic profession from that overthrow; and that the only security was to be found in a guarantee by the constitution itself: that, as the constitution is now understood, any controul given to the civil power, or assumed by it over our church, has but one sense and one meaning, which negatives and excludes all *spiritual* jurisdiction, not emanating from an authority of its own creation: that, unless, in this respect, an exception of allowance for catholic profession were admitted

admitted and recognized within the constitution, or by some act or deed of durable and sovereign evidence, the smallest controul would necessarily travel to the greatest dominion; because the principle of interference had been granted, which the constitution, accepting in its own sense, would exercise, as its own property, towards Roman catholic, as towards *established* churches; towards the latter in protection, towards the former in estrangement.

It was argued, that every other method of securing the existence of catholic profession was impracticable; and although other methods should be at hand, yet they would be dangerous to the constitution, as sovereign protector and witness of all rights: they would perpetuate a distinctness in political duties, and would be liable to occasional usurpations on every side. The edict of Nantz gave to the French protestants other guarantees than those of the constitution. Those guarantees were the cause of greater exasperation. They established *hostility* in France under the name of adjustment, and through the mean of an indefinite armistice. The consequences were miserable, and the catastrophe was infamous. In Switzerland, the religious warfare was short. The cantons returned to their federal system. In Germany, the wars about religion were terminated by adjustments, but the guarantees were armed states. In the case of Irish catholics, it is required, not to give a separate independence, nor to establish a perpetual truce; but to reconcile the subjects to the
 constitution

constitution, and to enlarge the constitution, so that the subject may be bound to it by all the tendencies and sanctions of his *catholic* religion. These tendencies and sanctions are *catholic*; and, therefore, ought to be recognized, as the inviolable pledges of his attachment.

It was stated, moreover, that unless this recognition of catholic profession were granted, the most extensive redress, *by statute*, of the grievances of catholics would not tranquillize Ireland, nor amount, in feeling and value, to *total* emancipation. Because, notwithstanding such redress to the *nation*, the religious system would be sunk below that, not only of the established church of England, but also of that of Scotland, both of which are recognized and guaranteed by the *pacta conventa* of the union, and besides are dominant within their local spheres. The religion of the Irish catholics cannot dominate locally; nor can it demand support by compulsory means. Therefore, its rank would be none; and therefore its existence, at least, should be guaranteed. This security should precede all innovations upon the religious, or esteemed religious usages of catholics; because, when once granted, the party secured may conscientiously and honourably yield what otherwise he could not: because, this security, being the gift of the *constitution* to the catholic system, would equitably call for and justify a return of free but permanent tribute, from the latter to the former.

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It was also suggested, that the principle of the constitution, as last settled, abjured the idea of a political controul over the *national* religious system, by a chief magistrate adhering to a different religion: that the oath taken by Roman catholics, excludes, for evermore, all foreign pretensions to interference with the *temporal* rights or powers of the state: that the state, by proposing and by accepting this oath, has virtually distinguished that which catholics denominate *spiritual*, from that which they acknowledge to be *temporal*; and that consequently to *exact* further from catholics, would, by most protestants, and by many catholics, be considered a victory over the *catholic* system, and would be followed up as a victory over the religion itself. .

It was said, that, supposing a *veto* to be used not adversely at the first, the idea of an *extraordinary influence*, belonging to the ministry of catholic worship, and on this ground alone claimed by and transferred to the sovereign executive, would become a chief source of jealousy for the other protestant churches; and for all the sects unfavourable to catholicism, as well as for sincere and rational adherents to constitutional freedom: that this jealousy would claim inspection over the executive *Veto*: that, this jealousy could not be slighted or opposed, nor could it be satisfied, unless by one or other of these following ways, or by both: that is to say, by diminishing the influence of the catholic religion *amongst catholics*, in order
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to disarm its supposed or pretended influence in the state: or, secondly, by submitting the interior and confidential polity of our christian system to the periodical, wanton and immodest curiosity of the lowest sectaries, whose ignorance would suspect, and whose antipathies would impeach, over and over again, each article of that polity, until our most venerable usages should shrink into inaction, rather than continue to expose themselves, like criminal things, to unsparing search and contemptuous accusation.

All these reasons were given to the protestants and catholics of Ireland, before the meeting of the bishops in 1808. Over and above, there were adduced many reasons to shew the iniquity, that would ensue from the proposal of 1799, and the wrong, which would be inflicted on our clergy, by the enforcement of that proposal. The arguments, which I have particularly adverted to, may be insufficient; but to protestants they did not appear *treasonable*, as our *Columbanus*, taught, I should presume, to utter his lesson, has miscalled them. The wise ones of the state dissembled those reasons, because what was inferred as *consequence*, had been already in premelitation as concomitant with their *Veto*; above all, because the recognition, asked and supplicated for by the tenor of that argument, could not be digested.

The *Veto* was put down in Ireland, as soon as publicly mentioned. But the passion for conquering the fortresses of our catholic association, was not discouraged
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by one failure. The project of 1799 was disallowed, in its *principle*, by the episcopal assembly of 1808; for, as to any practical subsistence or binding obligation, it was alike destitute of both, in the judgment of reasonable and honest men. The political design, for which the *Veto* had been calculated, came up in 1810, under the name of *arrangements*. The celebrated letter of Lord Grenville to the Earl of Fingall declared generally, that those arrangements were *complicated* and *extensive*; that, in *particular*, he had considered an *effectual Veto* on the appointment of our bishops, to be necessary at least in the substance, and that such had continued to be his persuasion since the epoch of union. As a sample of the stile, in which *arrangements* were to be conducted, there appeared, at the same time with that letter, the draft of a bill, as intended for relieving his majesty's catholic subjects of the united kingdom; in which draft, a *Veto* is proposed to be enacted, under the sanction of a *premunire*, and the *Veto* itself is unrestricted. The framing of this latter document is ascribed to a gentleman, whom, in justice to my own feelings, I will not name without a preface of respect. As a Roman catholic, I am his debtor for great services to the common cause: as having enjoyed formerly some portion of his acquaintance, I may declare my persuasion, that whatever be the line of his political movements, his course is shaped and influenced by

conscience.

conscience. To return; Sir John Cox Hippisley, the framer of the draft in question, is author of a tract, entitled, "Substance of additional observations, &c. in the debate on the catholic petition, 13th and 14th May, 1805;" in which work, more justice is rendered to the catholic system, and greater generosity displayed, than ever had been attempted by a protestant; much more than latterly had been shewn by writers stiling themselves catholics. The professed intent of these *observations* was to repel certain calumnies, afterwards published in the shape of a grotesque harangue, as the speech of a Doctor Duigenan: but the performance went infinitely beyond the provocation. The catholic doctrines of spiritual supremacy, and episcopal mission; the rights of conscience, the purity and independence of catholic discipline, are stated with such integrity, are vindicated with such truth, are handled with such religious tenderness; nay, the expediency of cultivating a political intercourse with Rome is so frankly avowed, and the liberality and kindness of the late sovereign pontiff so gratefully and elegantly set forth, as must impress every reader with the author's worth; and, in every catholic, must have excited the same wish, as arose in me on perusing the argument, that the Hon. Baronet were employed as a conciliator near the holy see. To me such liberality appeared the more valuable, as, at the same time that a most sincere protestant was advocating the freedom of our hierarchy

from protestant *nomination*, attempts had been set on foot by some catholics to force their way to episcopal chairs, in opposition to our bishops, and through protestant intervention. I expressed my grateful feelings to the Hon. Baronet, and the acknowledgments, then made, I now confirm.

The circumstance of Lord Grenville's publication concurring in point of time with the appearance of the *premunire* draft, threw Irish catholics once more into a disagreeable amazement. Some cried out treachery; others questioned the authority of the latter document, and endeavoured to explain away the former. The bishops were importuned by the general voice to meet. The catholic committee referred his Lordship's letter to a sub-committee; which reported, that no reply was possible, but a general negative or a general concession: it was agreed, that the determination of the catholic prelates should be ascertained. The bishops were assembled after some delay. The catholic committee awaited the result, not without anxiety, but yet with decorum. In all the agitation of the public mind, in spite of foreign artifice, and notwithstanding a considerable variety of opinion, as to the practicability of conceding *somewhat*, the Irish committee preserved its attitude of *catholic*, and its magnanimity of deference to those authorities, which Irishmen obey, because they love them. Force they dread not, and slavery they abhor;

abhor; but they are used to feel generously; to protect that, which has no defence but blushing, and to yield to that, which has no compulsion but reverence.

The resolutions of our prelates, of February 1810, are universally known, and have been already adverted to in this letter. Yet, as they establish a new age in the catholic question, I shall dwell upon those points, which seem to have been rather too little considered by the advocates of *arrangement* for securing their *church* and the *state*. I will take up the episcopal decisions in that order, which may best shew their application to previous, and then existing circumstances, as well as to supposed approaching danger.

1. The Irish bishops established, that is to say, they announced their undoubted right, under the law christian, of being the judges in doctrine and the enactors in general discipline. Whether, in proclaiming this necessary article of the polity founded by Christ, they but repulsed a novel attempt upon the good faith and old religion of Irishmen, or sought, as *Columbanus* teaches, to overawe discussion, because their *pretensions* must fall, if examined by the public; every man will be able to decide, from the foregoing pages of this work. Whether, by claiming their right, they gave any colour for those accusations, which *Columbanus* has piled up and cemented with venomous slaver, of *lust* of dominion, of *atrocious* motives, of hypocritical cajoling, of maintaining principles of faithbreaking and perjury; of continuing
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the foreign influenced *Rinuccini* system, that caused massacre of the protestants in 1641, and ended in the desolation of Ireland; of being men, from whom oaths of allegiance are *worse than nugatory*; and of all the other crimes, presumptive enormities and blood-guiltiness, which that prodigal child of malice has uttered by wholesale; the man who thinks and who feels, be he catholic or be he protestant, will determine according to the rules of justice, and by the instincts of our common nature.

2. The bishops, taking notice of the *necessary Vêto* of my Lord Grenville, declared their unalterable adherence to their resolutions of 1808. By this resolution, they not only confirmed the revocation of the partial resolution of the Ten in 1799; but seem to me to have meekly expostulated with the loose faith of those, who upon that pretended *ultimatum* of 1799, expressly saving *catholic doctrine, discipline and religious influence*, had, under ground and clandestinely, superstructured *extensive and complicated arrangements*, in derision of that faith, which civilized and christian men are bound to maintain, in all matters of treaty, or of preparatory compacts before a treaty.

3. But still, as in the project of 1799, the consideration of a *competent and properly secured support* to our catholic clergy had been taken notice of, and was not adverted to in the rescinding vote of 1808; the bishops assembled in 1810, thought it necessary to cut

up

up totally the plausible *consideration*. Accordingly, they voted, that they sought no earthly support, beyond that, which would be given voluntarily by their flocks: thus, at once, nationalizing, as far as was lawful, their authority, existence and influence; and, at the same time, refuting the suspicion cast upon them, even in parliament, that they lay in wait for regaining the endowments of the church established. Against this resolution, the forlorn effrontery of *Columbanus* has taken an exception. He has said, that the bishops, who depend *not* on the flock for subsistence, presumed to speak for the parish priests, who *are* dependent on their flocks. If the parish priests are dependent on their several flocks, as they are, by what privilege of imposture does *Columbanus* talk of *lay* patronage in *Ireland*; of the patronage of *Castlereca*, if any such parish there be, or of any other advowson; whereas patronage supposes a subsisting endowment? But, even in the fact, he is a false witness, as usual. Out of the prelates, who signed the resolution impeached by him, all but one, the catholic bishop in Cork, are depending on their parishes for their principal subsistence, as churchmen; and several, namely, those of the province of Ulster, are almost totally depending on their parishes and flocks. Again; the prelates did not speak for any but themselves. They knew, undoubtedly, that their subordinate parish priests, by accepting pensions, would forfeit the confidence
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of the people. But they resolved not for any parish priest. They resolved for themselves; because, as prelates, they were called upon so to do, in the foremost place.

4. Whereas amongst the arguments, broached against the continuance of a papal influence in Ireland, an extreme supposition was urged at the time, namely, that the French emperor would compel Pius VII., by duress of captivity to resign, in order to the election of some creature devoted to French ambition; and, as the argument presupposed for the purpose a lasting hostility between the French and British empires; the bishops resolved, that Pius VII. should *not* resign, as to any effect upon the Irish church, until reinstated unequivocally in his freedom of assenting and dissenting. They resolved, that, if he should even die a prisoner at large, they would hold the see of Peter vacant, until they should have full and canonical proof of the free election of a successor; which election should also be made according to the canons. By this resolution they consulted two essential points; the one, of not innovating upon the spiritual prerogatives of the holy see, as by such innovation they would stand degraded before their colleagues throughout the Roman catholic world: the second, that, without presuming a necessity, they consulted for the case of extreme necessity; namely, the possibility of a suspension of intercourse with a future ostensible, yet questionable head of the Roman catholic church.

5. Lest

5. Lest this mention of a deprecated possibility should, in the mind of the Roman catholic churches, be deemed a preparation for schism, or the premeditation of an anticatholic national-church independence, they resolved and avowed the grand federative principle of christian communion to be everlasting; to be not repealable by human policy; to be unconnected with human animosities; to be independent of temporary warfare or temporary amity; to be auxiliary in the highest degree to native or sworn allegiance: though not liable to be enslaved by the passions of mankind, in their wars, truces, hatreds, or momentary reconciliation: because the peace of christians is the sabbath of that charity, which the Saviour bestowed.

6. Coming to the dreaded subject of catholic bishops appointed in Ireland by *a foreign influence*, they declared, that, during the seventeen years preceding, their concurrent recommendation of episcopal candidates had been advancing in importance; so that it substantively originated the choice of bishops, and was uniformly condescended to by the holy see, as directory: that this privileged recommendation rendered the appointment of our bishops *totally inaccessible to foreign influence*; that it was growing up into a usage of our discipline; that it was granted or yielded by the holy see, in honour to the zeal with which they, the bishops, maintained those two great and divinely founded principles, of allegiance to God
and

and of loyalty to the king: that thus, under the auspices of his majesty's tolerating spirit, the hierarchy of Ireland enjoyed a degree of independence, which raised it in the estimation of the catholic church, and brought back a tribute of glory to the empire.

It may be asked, what security is held out, by this resolution, against foreign political influence. It may be said, that our bishops merely declare a fact, or at most a *tolerated* practice. I answer, that, in declaring a *practice*, they have alleged a *title*, not compulsory, if you will, but yet sacred. I answer, that every security is held out by this resolution, which our bishops had it in their power to shew: lastly; that no *concordatum* on the appointment of *our* bishops could do more, without subverting the catholic religion, than herein is implied. The declaration is not merely of a *tolerated* practice: it is of a *privilege* conferred on express grounds. The *fact* is, that, during seventeen years, the holy see had yielded an entire trust, in the selection of episcopal candidates, to the catholic hierarchy, when agreeing; and this agreement, as we have seen, did not require a physical unanimity, but a concurrence of the many. The *reason* assigned for this important trust is, that our bishops were possessed of two titles; of catholic zeal, and conspicuous loyalty. These titles, therefore, were recognized by the holy see as *good in themselves*;

as essentially meritorious towards itself and towards the catholic church; as principles to be guarded, inculcated and maintained by the Roman catholic churches in Ireland. Now, let us suppose that most desperate case, in which a pope shall be set up for the *ambitious designs* of the French emperor upon Great Britain. In truth, this man has expended very little of *spiritual* ammunition hitherto; nor does his warfare calculate on the philosophical process of compassing the overthrow of this kingdom, by singling out a pope, who shall single out a most confidential Irishman, without knowing him from Adam; which Irishman, being consecrated bishop, shall single out, from time to time, confidential priests. Then are these priests to single out parishioners for the same mystery: and thus, when the whisper has travelled down six generations, it is to end in a direful nothing at all. This theory of his *foreign influence* undervalues too much the stratagems, and rates too high the patience of the French warrior. He did not wait at the foot of the Alps, until its eternal snows dissolved into dew-drops, nor did he try to melt them with red-hot gimlets. He did not sit down by the river-side, until the Danube had ran its channel dry; nor seek to hasten that event by tracing outlets with his finger. He perched above the clouds with the steep flight of the Alpine eagle, and rushed downwards with the crash of a mountain; he stepped across the great river, like a fiery apparition. His

tricks are the *stratagems* of Vesuvius; thunderbolts, and clamorous tempest, and consuming lava. So little does he count on papal influence, that he has restrained the pope: so little does he expect from religious opinion, that he has proclaimed force alone to be the sovereign of the world. Against this man all christian independence is arrayed; and yet, his fascinating influence over religion is seriously apprehended!

But let him have already gained a pope submissive; even zealous for his ambitious designs. First of all; this pope must give proof to the catholic church in Ireland, that he had been canonically elected. Next; he will be pleased to take notice of, and to accept the resolution in question; for, as to the matters of fact, it is incontestible. Then, let a catholic diocese become vacant, and our bishops have *recommended* the object of their choice. Will not the pope condescend, as his predecessors had done? Undoubtedly he will: because the relation of our bishops to the catholic church, as pastors, and to the state, as loyal subjects, remaining unchanged; and the double trust having been confided in them; ^{error; at} ~~by~~ the holy see, when that see was independent and unsuspected of bias; the attempt to change the practice would bring along with itself a detriment to his spiritual influence, by substituting in our church that, which would be questionable, for that which had been secure. Our bishops would remonstrate even to a freely elected pope.

pope. "We were trusted by your predecessors," they would say, "with the choice of *religious* men; we were trusted by them with the choice of *unimpeachable* men. In the latter point, we were then *fit judges*: we are now *the best judges*. The catholic church approves of our holding the *religious* trust granted by popes: the state is secured and our ministry is sheltered by our continuing to hold the *social* trust. We are attached at the same time to the divine rights and honours of saint Peter: but we suggest, that, if even the practice had never been, your pastoral charity would rather introduce it for the common peace of the kingdom, whose subjects we are, than resume it under *our* circumstances so well known. We cannot trust the social faith of a candidate, whose demeanor is not trusted to our judgment." What will his holiness say in such a case? Why, truly, he will let things go on as usual. I have given to our bishops the language of humble remonstrance; because such language would be theirs, and because their reasons would be invincible in any shape of address.

7. But, even for the object of keeping up that successful title of *recommendation*, it was necessary, as I have said, that the bishops should preserve unchanged their relation to the catholic church; that they should not innovate upon the known discipline: much more; that they should not yield to innovations, having for their pretence, that dangers to the state were to be apprehended

apprehended from that discipline, and that the counterbalance of oaths and sacred promises were not enough to do away alarms, sincere or feigned, to which a distinctness of ecclesiastical polity might give occasion. By innovating, our church would surrender its continuity of life: by yielding to an innovation grounded on slander, our bishops would, as in the former supposition of their encroaching on the papal office, surrender their claim of orthodoxy, and that most important right of defending their usages, as those of an uncorrupted church. They would not be *proper in court*: they would entangle themselves in personal defence, instead of remaining *judges* in the catholic church. Upon this ground also, our bishops disallowed the idea of making episcopal elections determinable by chapters, or by chapters and metropolitans. Without going into the mischiefs of contested elections, and of secular interference to be apprehended from such a change; without touching on the unsuitableness of the project for Ireland, it was plain, that the bishops could not delegate their trust.

8. Of the *arrangements*, to which Lord Grenville's letter had alluded, the prelates, as they knew nothing, resolved nothing. Their being kept in ignorance, from the period of *union*, with regard to every tittle of those arrangements, was certainly depriving them of all human means of meeting the plan, whenever it might be produced, on equal terms, or on any terms

terms of negociation. Yet our bishops declared, that, saving the essential point of catholic communion, of the catholic moral code, and of the necessary discipline and subordination, which frame the exterior constitution of our church, they require nothing; they are averse to no conciliation: thus, giving up and renouncing every idea, and hitting in full front every suspicion of their seeking temporal power or dominion, or that they are rivals to the churchmen of the establishment, in any matter which the state can bestow, or take away, or apportion.

9. To confirm their right of dissenting from any change of discipline, as affecting to secure the present establishments, the bishops rest upon the oath of allegiance taken, as well by other catholic subjects, as by themselves. Really, on this subject, the future times will not only do justice to their sentiment; but they will make merry with the infatuation of those, who *wished* to have *pledges* from the Irish catholics; and with the perverse tyranny of those, who alleged their necessity, as the previous condition of admittance to a free and most equitable constitution. The bishops declare, that the sole, paramount and exclusive right of all sovereignty, in temporal laws and civil establishments, belongs to the domestic authorities, now protestant, of the empire; that they have abjured, and that all Irish Roman catholics abjure, all interference, intermeddling, or right of interference, by or on the part of any foreign temporal or
spiritual

spiritual power in this behalf: that this article is a POINT OF ROMAN CATHOLIC RELIGION IN IRELAND, not privately maintained, but authoritatively inculcated by them, the bishops; and, as such, is allowed by all the Roman catholic churches. To carry this assertion to the utmost point of evidence, those very same bishops, in the very same meeting, and in a circular letter to every dignitary and teacher in the Roman catholic church, re-assert this doctrine. They not only re-assert it, but they bind themselves by a most solemn, recorded oath, before their Redeemer, and in the presence of the dispersed council of the christian world, to uphold this doctrine to the spilling of their blood. They commit soul, and conscience, and catholic truth, and personal fame, and national honour, to God, and to the judgment of their peers, and to the tribunal of the world for good and for evil, on this single point. They give up their souls to condemnation, their persons to infamy, their catholic church to blasphemy, their loved native soil to a curse, if they shall not make good this oath. And yet pledges are called for by protestants, as *further securities*.

In the name of God, unless you want the catholic religion itself in pawn; unless you mean to set your foot on the great neck of the Roman catholic persuasion, what securities can be as high as the creed of our faith itself, against your alarms? We
 have

have told you, and you must believe it, or never will you believe our oaths or actions, that we rank *our exclusion* of foreign influence, as to all interference with your establishments and legislation, along with our exclusion of murder and of sacrilege: that we associate this profession of loyalty with the commandments of our God; with the articles of our religion; that we inscribe it in our sanctuaries; that we remember it in our prayers. We hate, as Irishmen, foreign invasion, more than you, English, have ever been known to do. You warred on us, as on bad catholics, until Henry VIII., for grumbling against Peter-pence: you suspect us, under George III., of wishing to yield the independence of the state to a pope, who *may be* elected for the *may-be* designs of Bonaparte. If even such a pope were installed, if even a pope were to misuse his spiritual office, which we now do not think possible, we are prepared in heart to resist, and in tongue to refute the abomination. In truth, we have never loved the attempt of popes to bestow kingdoms. Ireland was secured by the Bull of an English pope to Henry II.; and *you* seem to be haunted by the furies of this original sin of your own.

Suppose, that we had abjured all foreign spiritual pre-eminence. Would you trust us to correspond in any case with a foreign country? Do you not trust *yourselves* in popish countries? Surely you do. Yet, what is your defence against the seduction of
foreign

foreign influence? The difference of religion, you will say, the love of country, the sense of independence, the possession of freedom. And which but the last of these motives is wanting in the case of Irish catholics? Not one. The catholic has motives besides yours. The honour of his religion; the perception of a distinctness, between spiritual and temporal power. The catholic has often lost power, and kept his *foreign* religion and his domestic allegiance at the same time. He has *retained* power and retained his *foreign* religion, while he excluded the foreign temporal influence, even of popes. But you, as far as I can learn, have so uniformly conjoined both, as to have adopted or rejected perpetually both together, until the reign of James II.; when you cast off your temporal allegiance to the prince, because his spiritual communion was out of the kingdom; and you received a *foreign* prince in defiance of your own religious independence. Our catholic religion, in all that regards your national independence and political establishments, is as safe and as trusty, as if we acknowledged no successor to Peter the Apostle. Our principles are more distinctly avowed with respect to you, than are your principles with regard to us. If any source of danger remains, if any temptations to treachery are still subsisting, that danger and those temptations are such, as catholic and protestant are equally liable to be
seduced

seduced by. If the temptations are not common, they must be directed chiefly to *your* passions and your pride. Yet, in such a case, we catholics are not entitled to demand any such securities from you, although we have no solemn nor sacred standard of your opinions with regard to us; although you neither plight your faith to our safety, nor your religion for our safe enjoyment of your good will. There is nothing that you, protestants, have bestowed or will bestow, but you may resume. What is given by statute, you can take back by law; what is lent by courtesy, you may reclaim by ill humour. Against your everlasting majorities in the legislature, against crown prerogative and church ascendancy, against the coalition of all sects not catholic, we shall hold, if emancipated, no security for the continuance of the grant itself, beyond the duration of one parliamentary session and one recess. Neither parliament, nor church can pledge itself to the permanency of our freedom. No single department of the state will suffer controul, or tolerate inspection by catholics. How then will you pretend to term an equal share of freedom, that sort of emancipation, which would stipulate for a despotic and inquisitorial controul over all our religious actions, after our principles had been allowed for honest?

No security can therefore be demanded *before* emancipation, or as a drawback on emancipation (if the benefit intended be equal freedom), beyond that

security, which the *religion* of Irish catholics has already yielded. No greater danger is possibly to be apprehended to the state from a religion excluding papal influence in every temporal matter, than from a religion excluding perpetually *all* papal influence whatsoever. This difference alone exists, and it is considerable, that a religion, like the catholic, cannot shift its boundaries, nor innovate upon its moral code without evident convulsion in the body, and manifest symptoms of distemper; whereas a system, barely resulting from domestic arrangement, and holding its authorities within its grasp, may, almost instantaneously, displace its leading principles, and yet be not inconsistent with itself.

From this review of those episcopal decisions, as far as they apply to political circumstances or possible dangers to the state, it has appeared, that our bishops refused nothing, which they can grant; that, what they declined conceding, would have been uselessly conceded to the state, and was necessary to be retained by them, for the very purpose of shutting out the *possibility of an abuse* of the papal authority. No statute of *premunire*, enacted by a protestant parliament, could have any other effect than the worst. Not to speak of the undistinguishing rigour of such a law, involving every gradation of acting in the peril of so great a punishment; not to dwell on the ominous conjunction of *premunire* with *catholic emancipation*, or on the paradox of inflicting such

such pains and such penalties, as are implied in the term *premunire*, upon a usage, hitherto rather beneficial, but most certainly innoxious, and by no means connected either with a proximate danger or with proximate guilt; what would such penal enactment intimate to the public foe? What sort of catholic and protestant reconciliation would it hold out to the world? There remains to be told one resolution more, which truth and justice oblige me to advert to. I mean the vote of thanks to bishop *Milner*, for opposing a pledge, agreed upon in an English-catholic meeting, but worded by illustrious protestant statesmen. Of that pledge, called in Ireland the 5th *English-catholic* resolution, I wish to say as little as possible. It gave either nothing or all to the *security* of the church established. With the respectable lay persons, who are said to have submitted to that pledge, I do not presume to intermeddle; in truth I know not who they are, nor shall I seek to know. I doubt not, they meant well in some sense or other. But Doctor *Milner* resisted the pledge on two grounds. He asked, that the determination of the Irish prelates, with regard to the *extensive and complicated arrangements*, should be waited for; again; he considered a lay assembly incompetent to stake the *catholic* system for an undefined change of *catholic* usage. Unluckily, the place and time were ill suited to his exertions. In
the

the *oecumenical council* of the love feast, where solid gaiety and harmony and vocal music presided, it was scarce to be hoped, that arguments of a religious savour would go down. The bishop was not in unison with the symphonious liberality of the instruments, brandished by his lay brother-doctors of the church. He was invited to *sit down* while pleading. He persisted: he stood alone: he stood it out alone. However, the catholic bishops in Ireland, considering, that he had acted and suffered for them, as well as for the rights of the christian church, thought it just to efface the slight, which their colleague had experienced, by a deliberate testimony of honour: they THANKED HIS APOSTOLICAL FIRMNESS, in resisting the dangerous pledge. By this vote they recorded in their annals the name of MILNER along with their own constancy. They blessed a shamrock-wreath, and hung it around his trophies. Its leaf does not fall; its *catholic green* does not fade.

The declaration of our prelates was not unproductive of good. It manifested to catholics and to protestants, that the resolution of 1808, disallowing a *Veto*, had not been extorted from the fears of those prelates. It shewed to protestants, that the existing members of our catholic hierarchy cherish, as well as adequately teach the divine precept of allegiance; that their repugnance to a new organization of our discipline is founded in honest, intelligible and conscientious argument; that, in short, it would be
harsh

harsh to exact, as a condition for the emancipating of catholics, that which it is not in the power of catholics to transfer, and which, if taken by violence, would leave them more abjectly enslaved than before.

The *grand* Irish question shortly after was for the third time submitted to the legislature. Of our distinguished parliamentary advocates they, who persisted in wishing for a change, but whose humanity would not incline to compulsory *direct* methods against religious feeling, allowed our present bishops to be loyal men; they granted, that no danger is to be apprehended from *them*; but that there is still a *possibility of danger*, against which it would be proper to guard the establishments in church and state; that the *spiritual magistracy*, i. e. the bishops of the Roman catholic persuasion, derives title from a *foreign authority*; that the holder of this authority is now, and is likely to continue the vassal of the French; that *this foreign influence* and all *foreign influence* should be perpetually excluded, before emancipation can with safety be condescended to. This reasoning, urged by our avowed patrons in the legislature, could not but produce considerable effect. It was a concession made by arbitrators, as it were, of our own chusing; it widened the field for suspicion; it terrified by a twilight display of undefined, unshapen, and thus more ugly horrors. It assumed the pride and the irritation of national independence
along

along with existing hatreds to France, in aid of its boundless imagination of evil; and it stopped the power of reply, by standing on *its own fears*, as the immoveable basis of the question, and by avowing its fears to be infinite.

The Irish catholics were dismayed at the new impediment raised up against their claims: they felt surprize, that this perpetual exclusion of *foreign influence* should be staked as the *sine qua non* of emancipation, by their own cherished defenders. The catholics had abjured upon oath all foreign influence over the establishments, and all right from abroad of interfering in temporal laws, or national rights, or regal prerogative, or individual possession, within this united kingdom. What more did the newly broached principle, therefore, go to exclude? Undoubtedly something *not* temporal; something that had been enjoyed, either by law or by toleration, until then; perhaps more than *something*; perhaps ALL. In the distress of principle, occasioned by the unexpected intelligence, craft, not Irish craft, but soothing and *silly* and treacherous, was labouring to unsettle the understanding of our people, and to instigate discord between the bishops and their flocks,

Since I am presently to defend my own conduct on the question, against the *legal* knowledge, the *dialectical* prowess, the *veracious* evidence and the sweet benignity of our arch-canonist of Toledo, I

own,

own, that, for my part, I lost all temper with the *excluding* projectors. Have Irish catholics forgotten Clare? They have not, I fancy; so it would be needless for a catholic to describe him. As to the liberality of his politics, the loftiness of his moral instinct, and the usual elegance of his revenge, there is, I know, a difference of opinion. The people has voted on one side; but Clare's eloquent *funeral sermon* has *voted* differently. One instance, however, will determine his Lordship's philanthropy in matters of conscience. James II., said he, was expelled the throne for the *nonsense of toleration*. Such was Lord Clare's avowed idea of the *glorious revolution*, and of its comforts for the oppressed. This sentiment, as I can best recollect, was divulged in a speech of reply to MOIRA, whose genius, like the farewell visit of angelical ministry, had descended to the gloom, and Babel, and blasphemous howling of Irish ascendancy politics, and there interceded in vain; as he would have vainly interceded with the damned spirits, in the behalf of equal justice, and of divine clemency. *Moir*a was scouted, and most deservedly. For what business had *Cato* to intrude upon Floral games; or *Moir*a on the domes-day session? He was answered with upstart insolence; with the NONSENSE of *toleration*; and he decorously retired. The oracle of law had been already gagged: the appeal to *noble feelings* was then a mockery: the altar of mercy was about to be kicked down: free quarters, scourgings, stranglings

stranglings were ready to succeed: orange yeomen (whom, rashly, I once named the *exterminators of the people*, but whom, now, under the criticism of terror, I will salute as the *redeemers* of the people; although, I think, Lord CORNWALLIS disbanded two-and-twenty of their companies by one dash of his pen; although the case of Woollaghan is still tingling in my ears); these *redeemers* of the people, and along with these redeemers, the murderers of old men, the ravishers of children, the outlaws from human nature, the house-breakers, chapel-burners, robbers and torturers were about to break loose. What business had MOIRA, what business had honour and disdainful abhorrence of villains, in a murderous low drama? Yet what did CLARE say at that time? "Let the papists renounce *foreign jurisdiction*, and *they can be as free as protestants.*" Thus spoke CLARE, at the very time he thought our tutelary deity, HENRY GRATTAN, was held fast in the toils of death; when the object of our worship was pursued, not with bloodhounds cased in armour, as our ancient patriots had been hunted, but with felons cased in privilege. Could it have been thought, that eleven years after this, HENRY GRATTAN would insist, not as an enemy, but as a chief advocate; not on the *renouncing of foreign jurisdiction*, but on the *perpetual exclusion of foreign influence*, which is *catholic religion*, as the necessary condition of catholic freedom.

freedom? But GRATTAN did not mean to abridge the *freedom of conscience*, of which he has been uniformly the champion, even in times of infamy. He spoke under the delusion practised upon him by those who have made *Columbanus* their unhappy organ. These men continue barbarously to ascribe to our *Religion* those abuses which it has abjured.

At a meeting of catholics, held July 1810, I presented myself, on the summons of friendship, and without a minute's notice. I then and there alluded to the objection of *foreign influence*, and being urged by my countrymen, I delivered what reason suggested and indignation wrung from me. I displeased some; but I broke the ice, and I dissected the enigmatical supicion.

Columbanus has sent to the English market of intellectual dead stock, his *refutation* of my arguments in that catholic meeting; he informs his herd of *virtuosi* beyond the water, that all my reasoning consisted in the following *argument*. "Every argument, which applies to the exclusion of *foreign influence* in the *nomination of bishops*, applies equally to *confession* and to every *article of the catholic faith*." "The orator," writes *Columbanus*, "exulting in this *magnificent* argument, *una magnifica*, appeals to the chairman, whether it does not put an end to further inquiry!!"*

A O

Such,

* Columb. second letter, p. 9.

Such, Reverend Sir, was the *one magnificent* argument, the *una magnifica*, as it *has been* termed, I know not whence or wherefore, if I may believe the scrupulous *veracity* of *Columbanus*, rather than my own recollection of what I said; rather than *your* remembrance of what you heard me speak in the presence of several hundred men; rather than the published accounts of that argument. I will not expostulate with this gentleman, until I have given you his *refutation* of the *one magnificent* argument.

Columbanus protests, that “he would hardly have supposed, that Doctor Duigenan himself would have ventured to degrade the *Religion of our ancestors*, by *thus identifying* it with *foreign intrigues* and the *PROFLIGACY* of an *Italian court!* that, until the 12th century, no *foreign influence* in the nomination of our bishops was *heard of*, either by our clergy or by *our kings*; and yet the catholic Religion had existed in Ireland and produced *more saints*, than it has done since.” *Columbanus* “little expected, that any Irishman would have ventured to say, that the catholic Religion can *no longer exist without the interference of a Rinuccini*, who dared to *imprison our nobility and gentry* in 1646, because *they had agreed to an honourable peace with the king*: or without the interference of a *Castabala*, who in 1810 *dares to inform us*,” that, “*he and the exclusive Doctors, the foreign influenced bishops*”
 “ of

“ of Ireland, have decreed, that Ireland *shall not*
 “ *enjoy the liberties of the Gallican church!!*” *Columbanus* informs us, that “ *this was the language*
 “ *which Pandolf used, when he compelled king*
 “ *John to appear bareheaded before him, and to*
 “ *resign his crown to the Pope, to lay that crown at*
 “ *his (Pandolf’s) feet, and then, after keeping that*
 “ *crown for some days in his custody, to receive it,*
 “ *in the same humiliating attitude, on the ignominious*
 “ *condition of a feudal vassal, and a yearly rent!*”*

This inimitable piece of good manners, good faith and good English is but the prologue to his legal demonstration. “ *Our catholic statesmen,*” says *Columbanus*, “ *who enacted laws against foreign influence, never objected to confession or to any article*
 “ *of catholic faith; but they prohibited, under penalty of confiscation and death, the suing for, or*
 “ *obtaining from the court of Rome archbishoprics,*
 “ *bishoprics, deaneries, archdeaconries, &c. (this statute against provisors is as old as the 25th Edward*
 “ *I., for it is recited in the preamble of the 25th of*
 “ *Edward III., and there stated to have never been*
 “ *defeated or annulled.) They enacted, 38 Edward*
 “ *III., that any person, passing over the sea or sending*
 “ *out of the realm to provide for himself a*
 “ *benefice within the realm, should be out of the*
 “ *King’s protection, and the benefice void: that if*
 “ *any*

* *Columb. No. 2. p. 11. &c.*

“ any person, 12 Richard II., accept of any benefice
 “ contrary to the statute 25 of Edward III., he shall
 “ remain banished for life; his lands and goods for-
 “ feited to the king: they enacted, 13 Richard II.,
 “ that if any man *bring* or *send*, &c. any summons,
 “ sentence of excommunication, &c. against any person
 “ for motion or execution of the statute of provisors
 “ of 27 Edward III., he shall be imprisoned, forfeit
 “ all his goods, and moreover incur the *pain of life.*”
 These important law-discoveries our author gives us
 to understand *may be seen* in the *statutes at large*,
printed London 1618, and in *Cay’s abridgment*, Lon-
 don 1739. However he “ does not flatter himself
 “ in the hope, that such arguments, *however conclusive*,
 “ and though derived from *catholic* acts of parlia-
 “ ment, will be deemed *conclusive* with certain
 “ *orators*, who, *to his knowledge*, look *with a wishful*
 “ *eye* to a federal union with their brethren beyond
 “ *the Atlantic.*”*

I thank the immodesty of *Columbanus*, which has
 prompted him to grapple with that *orator*, who wish-
 fully looks to a federal union with his brother *orators*,
 beyond the Atlantic. I thank the heart of *Columba-*
mus, which, as from the lips of a *catholic priest*, could
 have thrown out a slander affecting *life*. I thank that
 incapacity, by which he has been whipped on to cross
 my path. In the laughable etiquette of precedency,
 I confess

* *Columb. No. 2. p. 13.*

I confess myself at a loss, whether I should compliment first his impregnability of face, or of heart, or of head. I therefore consolidate his three prerogatives in and by one greeting, and declare *Columbanus* the ornament of human nature, as long as truth, candour, genius, benevolence and learning shall be held precious. I remit all observations on his unacquaintance with the history of the English laws against *provisors*; with his statute of 25 Edward I, because even Coke fell into that mistake,* since then frequently copied; with his 25th Edward III., which is antedated by twelve years; I forgive his suppression of truth; when he quotes the twelfth of Richard II., making it felony of *death* to bring in monitions, and fails to add, that the capital punishment was changed, in the 16th of the same king, to the elder penalty of *premunire*.

I will allow his statute texts for accurate in matter and in form, but I must say, that in every assertion, in every syllable, whether stating the *one magnificent*, or in refuting the *one* argument, *Columbanus* has
betrayed

* In the preface to his 5th Report. However, after the *ca litigation* by P. Parsons, and notwithstanding his sulkiness in the preface to his 6th report, he retracted his error built on the greatly suspicious preamble of the first act of Edward III.; and in his commentary 2 inst. on the statute of Carlisle, p. 580, he restored the true year, namely, the 35th, which was the last of that king, and the *third* of Clement V., who first reserved *bishoprics* by *provision*, of which bishoprics, by the bye, no mention is made, nor could by possibility have been made in the statute of Edward I.

betrayed himself to be the same wise and honest creature as heretofore. By *foreign influence* I did not mean the *nomination of bishops* by the pope. I had previously shewn to the palpable sense of every man, that, whereas the *possibility of danger* was the ground for the *exclusion of foreign influence*, and as the *possible danger* regards the establishments *in Church* as well as in *State*; that, as the practice of catholics was set aside by the argument, the *possibility of danger* would have no standard but the suspicion of *Church* and the suspicion of *State*. I next demonstrated that, if even the papal office were abolished; that, supposing our catholic bishops and priesthood abolished, the *foreign influence*, as to every purpose of *suspicion*, would still remain; because that *influence* is the *force of opinion*, collected into a system, authoritatively impugning the religious system of the *established Church*, to which Church the regal prerogative must be auxiliary, in all that concerns its safety or supposed safety.

I brought the instance of *confession*, amongst other instances. I shewed, that as *foreign influence* is resolved into *catholic influence*, and as this must be an object of suspicion, wherever it holds a *confidence* inaccessible to Church or to State, but yet obtains as a *catholic* principle of association; this *confession* would be liable to the utmost *possibility* of danger, in the suspicion of both establishments: if defended as a
catholic

catholic usage, that is to say, as a usage, which assimilated our *home* practices with *foreign* practices, because *foreign* practice must be a rule for *us*; *confession*, would necessarily become a *treasonable* nuisance with the *possibility* men. It would, at the very best, be inspected and circumscribed, and even by this mean, would inevitably be discontinued and destroyed. This I proved from the obvious instance of the church of England, which, though confessing the power of the keys, could never succeed in reviving the practice, when once deprived of its privilege of inviolable secrecy. After *confession*, I shewed, that our EUCHARIST should be withdrawn; because our doctrine regarding that mystery stands in extreme and irreconcilable opposition to the established doctrine, and at the same time in most intimate alliance of practice and identity of reverence with *foreign* churches.

Again; I shewed, that the *nationalizing* of a church, towards a political change, is an introductory and unequivocal step to the destruction of the polity of that given church. When Henry VIII. resolved to make himself supreme head *in the earth* of the church of England, he proceeded exactly as the *exclusive* men would have us to proceed. First of all, he declared the Church of England to be as learned and capable, as any other church existing; and he enacted, that the *body of the English clergy* should be paramount in all
 spiritual

spiritual things, *without the intermeddling of any exterior (i. e. foreign) person or persons.* This is most literally the step, to which catholics were invited in 1510, and to take which they are summoned by the good *Columbanus*. The second step of Henry was to transfer the supremacy over this *independent* Church to Thomas Crammer, Archbishop of Canterbury: the last process was to have *himself* declared supreme head of the *independent* English church, and to make his bishops and beneficiaries to account for the arrears of those *annates* and *first fruits*, by the abolition of which, as of papal exactions, he had lured these covetous and unworthy churchmen to surrender their principles. The ecclesiastical revolution was completed within three years; from the 24th to the 26th of that king's reign.

I touched also on the principle itself, which Henry VIII. employed. If once it be granted, that, in order to throw more elements of power into the hands of a local despot, the communication between a society, founded on reciprocal and wide intercourse, may be broken up in its generally known rules of subordination; it must be granted, that no part, no fractional denomination of that society can plead its own usages, built on that anterior law of intercourse, against political jealousy. Now, political jealousy, as it is conscious of being hated by, and opposed to every rite, gesture, word and association of ideas, super-structed on that confederation of mind, which it is
anxious

anxious to obliterate, will examine, watch, subjugate and disfigure every trace of external correspondence, and every germ of reconciliation in future. It will assault the morals, because they are the result of inveterate education under those hated social rules; it will debase or force the manners, which are the result of the morals, acting through the medium of sympathies more or less cultivated; it will lighten the society, over which it rules, of the burden of all those duties, which had served as links, to connect a widely disseminated association. It will give a visionary freedom in this respect; whereas, in truth, it will have neutralized the feelings of general charity, which rendered the burthen light; and will have usurped for itself all the interest and all the capital, that had been expended upon those duties.

In fact, if once we allow that the enjoyment of any right is to be bounded by an arbitrary suspicion, without any other existing cause, but a fear of *possible* abuse, although the *use* of that right has been fully ascertained; we shall not have a single right left us. Instead of laws of *punishment* for the abuse of freedom, we must have *preventive* laws to confine its use; that is to say, we must be *punished* beforehand, lest we should hereafter deserve punishment.

I shall now recall you to *Columbanus*, and to his statement of the one *magnificent*. First; it is false, that I asserted, that “every argument, which applies
 “ to the exclusion of *foreign nomination of bishops*,

“ applies equally to the exclusion of *confession* and of “ every article of the catholic faith.” This is gross and notorious perversion. I argued, that, if the *possibility of danger* to protestant church and state be a justification of the perpetual exclusion of *foreign influence*, notwithstanding the evident fact, that no mischief from that *foreign influence* exists; if the *security* of the establishments is to be assayed by apprehensions of danger from *foreign influence*, and if this *foreign influence* does really consist, as demonstrated, not in *papal influence*, but in that which upholds *papal influence*, namely, in the federative polity of *catholic* religion; -there is no argument of *possible danger*, which, *after* the exclusion of *papal influence* as *foreign*, might not be applied to *confession* as *catholic*, and to every part of our religious system, which we would continue to hold, *as catholic*; that is to say, as entertained by us, under the authority and *influence* of the *foreign* world. I argued, that *suspicion* would multiply itself in the same proportion as our *catholic* articles would be diminished: that our *catholicism*, if reduced to *one* article, would more prominently shew the *continuity* of *foreign* and domestic opinion, *in contradiction* to the opinions of the *established* system: that the *one* article still adhered to, *as catholic*, would be considered by the fearful, as a brief and efficacious watch-word against their *establishments*, and by the *catholic* world would be noted

as the signal of distress, and the intimation of constancy, notwithstanding an apparent estrangement. From which I concluded, that the *possibility of danger* is not a principle, through the medium of which the *foreign influence* should be viewed.

So far, as to the argument, which I stated, and which *Columbanus* mutilates, that he may shape it for his reply. Observe now the splendid *refutation*. *Columbanus* “ did not think it possible that any Irish-
 “ man would have degraded the religion of our
 “ ancestors, by *identifying* it with the *intrigues of*
 “ *foreigners* and the *profligacy of an Italian court!*”
 To what description of readers, to what class of lunatics is this wicked trash addressed? By what operation did the man extract, even from his own false quoting, a wish in me to *identify* the religion of the ancient Irish with *intrigues of foreigners*, or with *profligacy of Italian courts*? When I spoke on the question, no *Italian court* subsisted. If *Columbanus* mean Rome by that *Italian court*, the court of Rome had been overthrown, and the father of the catholic church, Pius VII., had been made captive a whole year before my argument was uttered. I sought indeed to *identify* the *foreign influence* with the exterior force of *catholic* opinion. I sought to abstract it from *court* influence on every side. All *courts*, for our author, may be receptacles of purity, saving the *court* of a pope, when the pope has nothing to be-
 bestow :

stow: yet, if *Columbanus* were accessible to the touch or the rebuke of decent shame, it might be an act of kindness to remind him, that he has inconsiderately heaped upon himself a thousand suspicions of bad purpose, by his monotonous growl and cynical irreverence, whenever he either stumbles upon or drags into his text the church of Rome, and its sovereign bishops. In order to justify *resistance* to authority, the opinion of social men does always require, that the resistance be not indiscriminate; that, in short, the adversary of *legal* command be not a highwayman by trade. In order to prevent the scandal of irreligion, arising from a marked dislike and undervalue for the possessors of *sacred* authority, the sentiment of *christians* exacts, that either singular unworthiness shall be proved against the man holding that authority, or great consistency of *austere* virtue be preserved by the censor. When, therefore, christians detect an author, holding truce with all vices, but the *vice* of subsisting authority in the catholic church; when they observe him grinning to every protestant English prejudice; crouching to every excess and insolence, miscalled ascendancy; deifying obscure wealthy men, as models of perfection, and as beings, whom the world looks up to as its last hope; when they catch an author so devout and so toilsome in pacing the mill-round of adulation, yet so stout and soldierly in outraging helpless men, in reviling persecuted men, in exercising ostentatious
brutality

brutality towards a fettered pope, and towards a defenceless hierarchy in Ireland; when they find this same author alternately borrowing the licence of a wagtail parasite, and the prerogative of a butchering enthusiast; the conclusion they naturally draw is this; that the character of the zealot is made up of constitutional malice, of petulant cowardice, of ungenerous pride, of raging ambition, using the ministry of blighted intellect, under the sign-post of an unblushing visor. The judgment may be most erroneous in the single instance of our unknown author; but the rule is of immemorial, and sagacious, and salutary feeling.

Shall I detain you with animadverting on the other inference of *Columbanus*, as if I had said, “that the catholic religion wanted the *interference of a Rinuc-* “ *cini*, who *imprisoned* Irish nobility in 1646, for “ *the crime of having made a peace with their king?* Shall I dishonour MILNER and our *bishops* by taking notice of his maniacal slanders; or shall I stop to laugh at his *language of Pandolf*, and his anecdote of John appearing *bareheaded* before Pandolph; at his calculation of the relative *productiveness* of Ireland in *saints*, before and since the 12th century? No, surely. Let *Columbanus* enjoy the satisfaction of taking back this garbage, as he sent it to market. I must come to his *lawyership*, his *jure divino* learning in the statutes, which *may be seen in the statutes at large*.

“ Our *catholic* statesmen,” he tells us, “ did *not* object to *confession*, nor to any other article of *catholic* faith.” Granted, that his statesmen, if *catholic*, did not object to articles of *catholic* faith. Yet, argues *Columbanus*, catholic statesmen enacted high penalties, even of life, against persons procuring from Rome ecclesiastical dignities and benefices. If they did so, it was not because they entertained a jealousy of the *catholic* religion; it was not because they dreaded its *foreign influence*. It was not upon any such ground, as the exclusion of *foreign influence* is now built upon by our protestant statesmen. The *catholic* statesmen of old *recognized* the catholic religion, as fundamental in the kingdom. The modern protestant statesmen of *Columbanus* recognize an *opposite* establishment as fundamental; to the fears of which *opposite* establishment the mode and measure of *exclusive* laws must conform. The enactments of *catholic* statesmen could not, as such, go to destroy the catholic religion of the then state. The enactments of protestant statesmen, on the principle of general exclusion, must go to destroy our catholic religion, if this religion should survive on the continent. Our author, when next he is pleased to lecture in statutes, will vouchsafe to bear in mind, that *Cay's abridgement* does not teach common sense.

But did those *catholic* statutes go on the mere *possibility of danger*? Did they ground themselves on any principle of excluding that spiritual influence,
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which Irish catholics ascribe to the holy see? Certainly not. They left to the pope the confirmations of archbishops and bishops, dispensations, appeals from all ecclesiastical judgments; even the decision upon contested episcopal elections in the first instance. What did those statutes assume as facts, as intolerable grievances? That visitors of monasteries, coming from beyond the seas, assessed those religious houses so as to beggar them, sent the money away and disappointed the intentions of the founders of those houses, by stopping obits, anniversaries, choir-service and hospitality. I cannot well imagine a more provoking grievance than this single one, against which the statute of Carlisle was made; yet that statute expressly saves the privilege of foreign visitors to *inspect* and *order* the discipline of their monasteries, provided they assess them with *moderate* sums for defraying their visitation. What else did those statutes assume for facts, and, what is more, for *innovations* on the immemorial *catholic* usages of the English? That English bishops were created cardinals, then summoned by the court of Rome, whither the revenues must follow; that the king's council of state was thus deprived of its prelates; that aliens without number, and absentees, were provided by the holy see with English dignities and benefices, even those with cure of souls; that heavy and exhausting *pensions* to foreigners were imposed on bishoprics and deaneries by provision. These were material grievances,
not

not *possibilities* of detriment. That the spiritual mischiefs resulting from such innovations were exaggerated, is more than probable; that a real temporal loss and prejudice had been incurred, is beyond a question; and upon the most catholic principles I hope it may be said, and, as an Irish catholic, I am free to say, that if the temporal powers re-acted with too severe a punishment against the abettors of this innovation, professing at the same time their attachment to the spiritual rights of the pope, I have no right to dictate upon the peculiar *feelings* of a legislature, in vindicating a real affront. I will only look to the consequences of that severity, when enacted into a perpetual law.

In the first resistance to *provisors*, the cause of the nation was most just, from the things alleged by the nation itself. Those *spiritual* benefices had been richly endowed, and established in secular authority. The bishops, and the more modern abbots, at that time, were holders by military tenure. The bishops and the chief abbots made up more than one third of the upper house of parliament. It was just, I am convinced, in the catholic king and catholic legislature to resist invasion of temporal right, although the instances should be few, if yet the principle of invasion were avowed. The *catholic* nation and the king expostulated often and feelingly with the holy see. The popes remitted early the intermeddling with

lay

lay patronage; and if, in the latter years of Edward III., that pretension was revived, it must have been, in reality, in cases of lapse, by the resistance of English bishops to the presentations of Wickliffite patrons. It must beside have galled the national spirit, that Clement V., a Frenchman, was the introducer of reservations of bishoprics; and that the pensions on English benefices were intended for natives of France. When the great schism arose in the time of Urban VII., the antagonist popes were compelled to drive the new pretension to extremes: they had each the burden of keeping up a court and subsidizing friends. The statute of *premunire*, bearing date the 25th Edward III., was not put in use, and most probably was not enacted until the 38th of the same king. It was varied to greater severity by Richard II., and then mitigated. It was revived in appearance by Henry IV., but shortly after reduced to a dead letter by his general licences to take *provisions* from beyond the seas. After the destruction of the grand schism, the pope did still *provide*, until the time of Henry VII., notwithstanding the statutes. Here I stop, in order to make some observations.

First of all, I do not find, that the prerogative writ of *premunire* was ever enforced in the case of *episcopal* elections, until Henry VIII. From this I infer, that, in spite of the *catholic* enactments of the *catholic* statesmen of *Columbanus*, the severity of the punishment,

in that chiefest case, did not accord with the genius of the Roman catholic religion.

Secondly, I find, that, by virtue of this tremendous engine, Henry VIII. made himself head of the church, and Elizabeth established the reformed religion.

Thirdly, that, whereas the object of the statute against *provisors* was in *the first instance*, to secure the freedom of *episcopal elections*; although this freedom was the prominent article of the two great Charters, and of the coronation oath; although it was sworn to by Edward III., *after* the enactment of *premunire*, with a solemn addition, that he would not *interfere* with elections, unless in aid of that *freedom*; yet the consequence of the excessive penalty was no other, than to reduce all that same *freedom* into a good understanding, *without a treaty*, between the pope and the king. Whenever the chapters nominated a person, *not* a favourite, the king, either by himself, or through the minority of electors, contested the choice: the *appeal* went to Rome; which device the *premunire* statute had countenanced: the pope *confirmed* the king's choice, and, in return, the pope occasionally was allowed to *provide* without any election.* In either case, the *freedom* was a nullity, because neither against the *king's* choice could the statute be appealed to,

nor

* The instances of mutual concession are given by Harpsfield in his incomparable history of the English church. Ages 14 and 15. See especially p. 512. marginal numb. 41.

nor could the *pope* be appealed from, in the papal judicature. The distinction of powers lay in this; that the authority of the *pope* depended, for its exercise, on the pleasure of the king. For the king had *premunire*; the *pope* had *excommunication*: but *premunire* intercepted this latter, when the *king* did not call for it.

These reflections would alone suffice to exemplify what I asserted in the *catholic meeting* of 1810, that to *nationalize* any portion of the catholic church, by permanent laws of grievous penalty and of new impression, is to translate the centre of attraction in that church, and to destroy eventually its catholicity.

It is also worthy of notice, that the *catholic* bishops of those times, although zealous and loud in complaining of the oppressions resulting from the abuses of *provisors*, yet never did concur in the severe remedies devised. They declared against carrying away the national treasure; against impoverishing the church; against four-fold and five-fold translations of a bishop; against depriving the king of his counsellors: but they protested in favour of the spiritual right *generally* abiding in the holy see. The *catholic* church of England did not agree with the *catholic* statesmen, in those *catholic* acts of parliament, as *Columbanus* terms them.

I quit this subject with two observations more, which are personal, as between me and *Columbanus*.

This

This gentleman *refutes* my *one magnificent* by quoting the statutes of *premunire*. Now, it happens, that I too mentioned those statutes so far, as to advert to the consequences of securing the established church and state by such a remedy, against *possible danger*. If *Columbanus* was aware of this, when he trumped up his *refutation*, I can account for the trick of his omission, by the singular vanity of the man: but I cannot account for the immoral resource of charging the orator with disaffection to his natural government, unless by referring it to his general character, herein before ascertained. I will not select epithets, though at hand, for denoting that *character*, which alone can explain an outrage of such bloody die.

Again; I cannot but reproach *Columbanus*, if a catholic, with dissembling the *fact* of that, which I stated as *theory*, regarding *confession*. I did not argue from the great *existing* suspicions against *confession*: I threw it into the mass of catholic principles; and drew it forth, because its *secrecy* gave an illustrative parallel to the mysterious *possibility* of danger. With what good faith did *Columbanus* suggest a similitude between ancient *catholic* statesmen, *not* objecting to *confession*, and modern *protestant* statesmen, who *do* object to *confession*? Was he ignorant, that the Irish catholics are forced to swear to a long declaration, in which king-killing doctrine and the *unconditional* pardon of sins in *confession* are equally abjured? Was he ignorant, that *statesmen*, not long before
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the time I was speaking, had deliberated to reduce the influence, supposed to be held by priests through the organ of *confession*; that the catholic prelates had been examined, and cross-examined by persons in the Irish government, for the purpose of ascertaining, whether our clergymen might not *share their information*, at least on certain points, with the government? Was he ignorant, that, even *since* the Irish rebellion, French prisoners in the English *depots* have been refused the assistance of French, and even of English priests of acknowledged loyalty, at the point of death; that when, at length, *English* priests were suffered to attend those sick, they were to be *admitted*, under a special order, and not until the sick were despaired of *and speechless*? Did he not know, that, in 1793, no *confession* was allowed in the capital of Ireland to catholics, about to be executed for rebellion; or that, in 1803, after some executions had taken place, the importunity of our prelates at length prevailed over the rancorous suspicion? *Columbanus*, perhaps, never heard of the case of Irish soldiers under Sir John Moore; or of catholic soldiers; in Sicily, in Malta, in the Ionian Islands. The liberal creature! He reads, in the *statutes at large*, that *catholic* statesmen excluded provisors, yet excluded not their own *catholic* faith; thence he infers, that it is *disaffection* to argue, that *protestant* statesmen, who are *not* of the catholic faith, will intermeddle with *confession*, if they are suffered to carve out the lion's share of securities

securities against even *possible* danger. Lastly, I must point to another combination of fraud and folly. I had not charged any *statesmen*, then in being, with a design to abolish *confession*. I had charged the distrustful system of fear, in its necessary progress, with that design. *Columbanus* refutes a demonstration, of which every term had been rigorously defined, by alleging an instance from the acts of *catholic* statesmen in former times: and by shewing, that those *catholics* spared confession, he thinks to have proved, that future *statesmen*, whose religion is not discoverable, except as far as it must be adverse to *foreign influence*, will spare *confession* also.

From the consideration of the old *premunire* statutes, one great result has appeared, which, I think, would deserve to be shaped into these general maxims: that no church freedom can be permanent, where temporal power in churchmen is superadded to cumbrous property; that no christian principle can be secure, if laws restraining the abuse of ecclesiastical power, *in temporal things*, be applied to the permanent constitution of the church; that even church canons, when assumed by the state as *data* for its separate lasting enactments, will become engines of death against the church itself. In the time of Edward I., the English bishops might have canonically remonstrated against the exportation of monies by those monastic visitors. Even canons might, after that time, have been made against the abuse of *provisors*. The state, in
enacting

enacting penalties, would have but given effect to the canons. But this course was not pursued; because the prerogative wanted to hold the power of letting in, and of keeping out so much of foreign influence, as it should think it proper or profitable, for its own behoof, to admit or exclude. If canons had been passed for the urgent necessity, those canons would have fallen into a dead letter, when the abuse had subsided. Whereas law once made by the state, and adding power to the executive, and influence to the wealthy, and pride to the nation, does not stagnate by the extinction of first abuses; but seeks or creates analogies, on which to operate.

This reflection I wish to apply to the canon of Antioch against designation of episcopal successors. This canon has been wonderfully cried up in those countries, which rejected its material provision; and the reason is plain enough. Wherever the sovereign claimed the contingent profit of the revenues of *vacant sees*, the churchmen were allowed to descant on the prohibition of designating successors, as a most sacred right; as one never to be departed from. As to the essential part and enactment of the canon, namely, that the bishop should be appointed by the provincial synod, that was overlooked, because the practice went contrary.

The catholic practice of Ireland has admitted, as we have seen, the recommendation of successors, for more than half a century. It always admitted provincial

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recommendation; it continued the recommendation by chapters, termed election with postulation: since 1790, the decided voice of the national bishops has been decisive, as of a home court of delegates and trustees for the chief christian see. From the multiplied checks and counterclaims, subordinate to the episcopal college of Ireland, but gravitating upon the decision of this last body, the see of Rome, instead of enlarging its claims, which were not contested, and could not be contested, remitted its judgment to Irish Roman catholic piety; reserving that, which it could not relinquish, the authoritative emblems of its inalienable jurisdiction. A fair man, not unexperienced in christianity, would deduce from this statement, that our bishops were, on catholic principles at least, religiously chosen. *Columbanus*, who is not a bishop, thinks quite otherwise. How long will this method continue? I hope, and I fear, and am silent. But if you demand proofs of the excellent choice, I will give one proof, in the words of Wren's epitaph, who raised the wonder of saint Paul's; *SI MONUMENTUM QUÆRIS, CIRCUMSPICE*. If you seek for proofs, go count the population. "Here am I," each bishop will say, in the words of the patriarch, "and here are the children, whom God bestowed me." So may say our bishops: so may say our priests. What right had *Columbanus* to invade this system?

Amongst the third-hand texts and topics of exasperation, urged by *Columbanus*, I am forced to take
notice

notice of the charge against our bishops, of maliciously suspending priests without a *reason assigned*. This charge is repeated at every turn, and as if for the purpose, a canon of the council of Seville is exhibited in various shapes of mutilation. The canon of Seville refers to a case, not of suspension, but of degradation from office; and of *temporal punishment* superadded to degradation. *Columbanus* surely does not pretend, that our bishops attempt, either singly or without a cause assigned, to *degrade* priests or deacons. As to the malice, which he more than *insinuates*, against the use of suspension, I allow, that all power and all *discretion* are liable to be perverted; but, until *Columbanus*, who fears not to attack by wholesale, shall favour the public with some one instance of unquestionable oppression, I leave the cognizance of this impeachment to HIM whose inquest awaits us all; who will judge in equity the bishop, that oppressed his priest, and the priest that reviled his bishop. In the mean time, I am bound to let the catholic reader into the secret of this great zeal. Its end is to destroy the morality of the catholic system, by levelling all distinctions of character between the worthy and the unworthy clergyman. In the *civil constitution* of the French jacobin church, the same principle, which *Columbanus* advocates, was the key-stone, and crammed that system, as it was intended to do, with every thing contagious and abominable. It privileged all guilt peculiarly *clerical*: it destroyed

all confidence in the priest, and hoisted the standard of atheism over the eucharistic altar. *Columbanus* would have no priest suspended *without a reason assigned, nor without a case alleged in writing and supported by proof.* Very well. Let us take as a case his own charge against Irish priests, “that murder and rapine
 “are increased in proportion as *confession* is hurried
 “over by the priest.” Suppose a man, habituated to such grievous crimes, to have acknowledged them in *confession* to one of those clergymen, who, as our zealot insinuates, hurry over *confessions*, and by their negligence or *lenity* have contributed to the increase of capital misdeeds. Suppose the delinquent, being afterwards reclaimed, discloses privately to a catholic bishop the misconduct of the clergyman, with such circumstances as leave no doubt of the *veracity* of the accuser. What is the duty of the ordinary? Is it not his duty to suspend the clergyman? Must he continue to entrust the souls, for which he is responsible, to a clergyman so improper? Must he compel the penitent to meet, face to face, that clergyman, and to acknowledge himself guilty of felony in writing, and *to prove it?* The clergyman who should insist on this, would not scruple to prosecute that man, directly or indirectly. If even directly, would a judge of Gaol-delivery admit this challenge to the competence of the clerical witness, that he had gained his knowledge through *confession*? That he had gathered his proofs
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from the penitent's own complaint? This case, it may be said, is a case of monstrous supposition. I grant that. But in the catholic moral system there are acts, which, like felonies against society, imply a capital abuse of confidence; and which to attempt establishing by proofs, such as *Columbanus* requires, would overthrow at once that moral system. Wherever *confidence* exists, *fewness* or relative solitude is implied: a system of confidence cannot subsist, unless they, for whose benefit it had been made, hold every possible advantage over those who are its depositaries. If *Columbanus* is sincere, he will perceive my meaning: if he calls for more explanation, it will be manifest, that he seeks not to gain intelligence, but to compass ruin. To cut the matter short, I maintain, from my acquaintance with the spirit of Irish priests, that they would not associate with any clergyman, who rested his titles of honour on the ground, that he *could not be juridically* convicted of misdeed or indecorum. That the spirit of Irish lay catholics would more than *suspend* a clergyman, appealing to this test, I need not say: for every Irish catholic, who reads this, will decide. It is not by such methods, it is not by pleas of *not guilty*, the priesthood has preserved its baptismal White from suspicion. It is not by such avowals they hold the confidence of the flock. Were even *suspension*, the usual mark of unequivocal blemish, as it is not; but more frequently a deference to probability, and a symptom of

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jealous precaution ; were it as frequently overstrained, as it is sparingly applied, the priests of Ireland would, as they now feel and are constituted, prefer the continuance of such power to that degrading emancipation of *Columbanus*, which would obliterate the reverence of past life, the ambitious purity of their aggregate fame, and the trust and confidence so purchased ; in order to bring in a legal standard of *not convicted* ; which would replace innocence by impunity, would guarantee the exercise of sacred functions to those, whom the catholic sentiment had degraded ; and which for the priest whose visit had made a lucky day, whose intimacy had been the pledge of domestic virtue, would infest us, with a brood of ecclesiastics, such as no catholic, unless provided with *legal witnesses*, would admit under his roof. Such is the defence I would make for the practice impeached, as uncanonical and tyrannous. *Columbanus* will easily justify to his own conscience his representing this practice of *suspension*, as an episcopal grievance peculiar to Ireland, whereas it is a disciplinary rule in Roman catholic countries ; and is recognized in the council of Trent.* The catholic priest well knows, that the power, thus exaggerated and defamed by *Columbanus*, is neither arbitrary nor final ; that it is not exercised in hostility, that it cannot be exercised in hostility. He knows, that, if aggrieved, he has the
resource

* Sess. XXIV. Cap. I. De Reform.

resource of application to higher authority.* I stand, however, not on the *legality* of the practice, as much as on its necessity. If Ireland were entirely catholic at this moment, even so the religious spirit of the land would require such practice to be continued. What then would be the consequence of relaxing the tone of catholic morals now; of depriving bishops of the power to guard the reputation of their clergy; of taking away their mediation, as well as their authority of paternal rebuke; of swelling up little stories into the bulk of criminal records? If once the *reformation* sought for by *Columbanus* were introduced, does he imagine, that the new bishops-court process would be final on either party? Does he not surmise, that all this would terminate in the courts of law? And surely no place can be more competent than those courts to handle the *most delicate* points of our religious system. If *Columbanus* is serious in calling out for the *improvement*, let him think on the consequences.

I have concluded the labour undertaken at your command. Whatever the performance may be, I shall not repent of the motives, which determined me to begin, and which supported my resolution through the irksome journey. If I have done service to the catholic cause, the measure and efficacy of that service will be appreciated, when I shall be alike insensible to calumny and to praise. But I have cheered my
way

* Benedict. XIV. De Synod. Dioces. Lib. 12. cap. 3. § 14

way through the inhospitable wilds and bristling thorn-groves of *Columbanus*, with this reflection.

I have addressed these letters to you, Reverend Sir, by name, not only because your authority had prevailed with me to take up the subject, but because I esteem you a fit arbitrator on pretensions, advanced as in the behalf of the *priesthood*, to which rank you adhere, as to the highest object of your ambition. If to these public grounds it is allowed to subjoin the motives of honourable gratitude, I wished to testify what I cannot requite; the kindness of friendship, for many years enjoyed, and the advantages of your instruction, to which I owe much, if the present undertaking be not contemptible. If not contemptible, this will introduce the commemoration of our friendship, when nothing shall remain of us to be seen. Your name will vouch for my sincerity in defending the christian church against an assault, which would add contumelious disgrace to the persecutions it endures. When those persecutions have ceased, may catholics who shall read these letters, join your name, **HAMILL**, to mine in one christian remembrance!

I am, Reverend Sir,

Yours,

JAMES BERNARD CLINCH.

POSTSCRIPT.

WHILE the ninth of the foregoing letters was at press, I received, out of England, the account, that a *fifth* production of *Columbanus* had come to light. Soon after, I was favoured, through an unknown hand, with the publication itself, entitled, “No. 2 of “an historical address on the calamities occasioned by “foreign influence in the nomination to Irish sees.” This *historical address*, in other words, this crazy rhapsody, is, with considerable insult to the English Peerage, fastened, by the medium of a dedication, upon the most noble the Marquis of Buckingham, as an undertaking commenced and perfected *under his auspices*, and as likely to do much in Ireland, on the strength of *his Lordship’s protection*.

I had delayed for several months the printing of my letters, in the expectation of those further documents and proofs, which *Columbanus* threatened to embattle. I tarried so long, that many became impatient, and some even mistrustful: I therefore resolved to proceed; being certain, from a metaphysical dissection

dissection of my valorous Doctor, that, although he might get the start, and wriggle for a while in his cage, he could not run away; *Sicut exigua animalium, quae suis in circulis micant, campo deprehenduntur.*

I have looked into this *fifth* number. I have abided in its atmosphere, as long as human breathing could struggle amidst the most unwholesome exhalations. All that I deem expedient, for the present, to remark on its general tendency and scope, has been expressed in my introduction. I am now to animadvert on those passages,* which regard the principle of my work. The passages I have culled out and endeavoured to classify, under the heads to be mentioned in order.

1. Of the *judicial right* of the *second order*, “to determine on *faith and discipline with the bishops*,” (H. A. p. 72), a right which they *always* enjoyed, “(p. 59 *ibid.*), and which was the *grand palladium* of religious *liberty*, and the *grand* restraint upon the *intrigues* and *passions* of exclusive synods of bishops,” our author gives such proofs as he always gives. Although it must appear now superfluous, to take notice of assertions, so often and so variously refuted in the foregoing letters; yet, as *Columbanus* has scraped together some new authorities, I shall briefly go through them all.

His proofs from scripture are three; first, the council of Jerusalem, which I have examined. Secondly, that,

that, when Paul was desired by James and the *presbyters* to defray the costs of two zealots for the law in performing their vow, and to have an offering made for Paul himself, in order to do away the reports against him; “those presbyters,” (supposed by *Columbanus* priests of the second order), “made a doctrinal decree, and that Paul submitted to their decree.” This is certainly a happy discovery of *judicial* right in matters of *faith* and *discipline*; as well as of the inferiority of Paul’s *judicial* right to James and the *presbyters*; although saint Paul himself thought otherwise,* and though he declares his principle was ever to be a *Jew* with the *Jews*. Third argument: that, “when Paul brought up money (*ibid.* p. 61) from Antioch, he did not give it to the bishop, but to the college of presbyters, to be distributed by common consent: that consequently those *presbyters* had a power from the Holy Ghost to govern the flock over which he made them overseers.” On this mixture of fabrication and frenzy it is needless to dwell. “Saint Paul expressly declares so in that text; which the vicars apostolical have corrupted in order to prove the reverse!” *ibid.* We have heretofore examined that *corruption*. It is the corruption of the council of Trent. It is the corruption of Celestine, who sent saint Patrick into Ireland; and who, in his doctrinal letter to the council of Ephesus,

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declares

* 1. Cor. cap. 10. 2. Cor. cap. 10. 11.

declares, that Paul *properly* and *specifically* addressed those words to *bishops*, who succeed to the rank of apostles. It is the *corruption* of the council of Ephesus, which not only accepted this doctrine, but cried out, "To Celestine the new Paul, to Celestine the guardian of the faith, to Celestine *unanimous* with the synod, the entire synod gives thanks:" "One Celestine; one Cyril; one faith of the synod; one faith of the world." If saint Patrick held the *faith* of the *then world*, he must, as a vicar apostolical, have *corrupted* this text. Unhappy *Columbanus*! Concil. Ephes. Act. 2. Hardouin p. 1467, 1468. Spiritus sancti etc. "Respiciamus verba nostri doctoris, quibus PROPRIE APUD EPISCOPOS utitur. *Attendite vobis*, &c. Inde (namely from Ephesus) advocatos *hos* legimus qui istud audirent, quo nunc sanctitas vestra convenit. Last argument of *Columbanus*. "The *presbyters* joined in the ordination, in the laying on of hands. 1. Tim. IV. 14. 2. Tim. II. 6." Exactly so. They laid hands *even on bishops*, and ordained them. But were those *presbyters*, *priests of the second order*, who according to you, *Columbanus*, cannot ordain?

After this scriptural demonstration of his *palladium*, our author fastens upon Ignatius the martyr, bishop of Antioch. His success in establishing the *judicial* right of the *second order*, in matters of *faith* and *discipline*, in synods and along with bishops, is such

as might be expected. "The great Ignatius," writes *Columbanus*, p. 62. "in his epistle to the Thrallians" "says: what is the presbytery, but an holy assembly, "in which the presbyters are the *councillors* and as- "sessor to the bishop?" Unluckily the martyr has nothing of that. The *interpolated* epistle has it surely. Were the text even genuine, what is it to the purpose? "He repeats," adds *Columbanus*, "the "same *doctrine* in the same letter. Reverence the "deacons as the order of Christ, and the presbyters "as the *synod of God*, and the constitution of the "apostles. Without these there can be *no church*." I answer; the words of saint Ignatius *really* are these; "Reverence the deacons as Christ; *in like "manner the bishop as the figure of the Father*; and "the presbyters as the council-meeting of God, and "as a united band of apostles; without these," (i. e. bishop, presbyter and deacon), "no church," i. e. no faithful congregation "can be assembled." Did it ever enter the heart of man to allege such texts in proof of a *judicial* right to determine in *synods* and along with *bishops*? The martyr is exhorting the *faithful* to reverence the three most sacred names of hierarchy. If the similitudes used by him be rigorously taken, he has represented the *deacon* as superior to the *presbyter*. The *bishop*, with Ignatius, represents the FATHER: the deacon, as the *angel*, minister, and instructor sent by the bishop, represents the

the Son of God, when on earth: the presbyters, seated in a body around the *bishop*, represent a council-assembly before God, and a company of apostles with regard to the *deacon*; because the deacon, as Christ, announces to them the will and purpose of the *bishop* as of the Father. This is a strange argument for the *judicial* right. *Columbanus* announces himself for a presbyter. Does *he* represent the duty of an *apostle* to the *Creator*, in his dealing with bishops? “Ignatius” concludes,” according to our author; “Farewell” in Jesus Christ, being subject to the bishop, as the “commandment of God; likewise to the *college* of “presbyters.” Nearly so. For you, *Columbanus*, as I perceive, give with new interpolations your English from the old Latin version, published by Usher and by Cotelier; and yet you give your Greek from the spurious, and long since damned epistles of the sixth century. Now, in that Greek, to which you last refer, you have treacherously omitted *after the presbyters*, these words; “and to the deacons.” This was a most salutary and necessary admonition, by the blessed martyr, and addressed to the *laity*, not to bishops, that they should treat with reverence all the sacred orders. He was exhorting the laity to esteem, to retain, to reverence the apostolic form; wherein the apostolic primacy of bishops was beautified, and exalted into a regal system by the assemblage of presbyters, like a senatorial meeting, and by deacons, who, though of greater antiquity were not of more
certain

certain apostolical institution. He was speaking for the concord of the church, and against oligarchy and anarchy. But you, *Columbanus*, who, amongst your *acquirements*, seem to have forgotten, that, when Ignatius wrote, the *senatorial* power was but the pompous circumstance and display of state for the regal authority; you, who have entirely forgotten, that, before our Saviour's expiation, the chief senate of the Roman world was a meeting of honorary title, and of voluntary consultation, are pleased to infer from a supposititious text, that the presbyters, because a *synedrium* before the bishop, *as before God*, had a judicial right in collision with their *bishop* or *God*. You are too *learned*, and too ardent. Be pleased to become rational; if possible, to become honest. Your *learning* we will most willingly forego.

But how comes it to pass, that, in quoting this great martyr, you have dissembled all those texts, which come home to the very point; namely, those which declare the relation of *presbyter* to bishop? For example; why omit (to the Ephesians, IV. Le Clerc 12. Aldr. 42), that not only laity, but *presbyters* must conform to the *πρωτον*, or decision of the *bishop*; that (Ibid. VI.) a bishop is to be revered even the more, if he should appear ineloquent? Why pass over (to the Magnesians, III. p. 18.), that *the holy presbyters*, whom this martyr had known, yielded to their *bishops*, and thus yielded to God, the *bishop* of all;
that

that (Ibid V.) he, who affects independence of his bishop, *is not a christian?* Why suppress in the very letter to the *Thrallians* (XII. p. 24.), that it is the duty of all, but it is the *peculiar duty of presbyters*, to give contentment to the bishop; or, in the letter to those of Philadelphia (XIII. p. 31.), that all who belong to Christ, are to be found along with the *bishop*; that he is compelled by the spirit of God to declare, Do nothing without your bishop? Why not mention, that, according to the martyr (to Smyrna §. VIII. p. 36.), *No ecclesiastical act can be performed, no eucharist celebrated, without his, the bishop's permission*; that, wheresoever the *bishop* is seen, thither the flock must rally; that (Ibid IX.) it is right to keep God and the bishop in view; that whoever honours the bishop, is honoured by God; that *he, who clandestinely acts without the bishop*, offers homage to the Devil? Why skip over all these passages? Would they *not* have helped to make out your assertion, that the grand *paladium* and the grand *restraint* upon the *intrigues* and passions of *episcopal* synods lay in the *judicial right*, *always* enjoyed by the *second order* in councils? Lastly, when you quoted the spurious text, “What “is the *presbytery*, &c.” why corrupt even that text, by omitting the preceding words concerning the *bishop*; namely these, “For *what is the bishop*, “*but*,” (I copy your manner of rendering) “but “one who *transcendentally and beyond all power* holds “dominion

“ dominion over all ; being, through the mightiness
 “ of Christ, the representative of God, as far as mortal
 “ can hold such dominion ?”

The third battery is this ; “ In fact,” (p. 68, 69.),
 “ the apostolical canons, Lib. 2. Cap. 32. declare
 “ expressly, that the priests are the bishop’s *counsel*,
 “ the *senate* and the *sessions* of the church.” I pass
 over the mistake of *canons* for *constitutions*, as well as
 the false quotation. The words quoted are in the
 28th chapter ; wherein the faithful are enjoined to give
 an equal share to the deacon and to the presbyter
 in their *αγαπαι*: to the former in honour to *Christ* ;
 to the latter in honour to the apostles, whose rank
 the presbyters obtain, as I have already explained.
 But, *Columbanus*, you had promised to shew a *judicial*
 right, in *synods*, along with bishops, and in matters of
 faith and discipline : yet here you shew no *right* whatso-
 ever ; and your text excludes all pretension of a *judicial*
 right. Did you ever look into those *constitutions* ?
 The chapter, which you misquote, is against the im-
 piety of a deacon resisting or slighting his bishop.
 Now, the *deacon* is set above the *presbyter* in this very
 work. Cap. 30. The bishop is the unappealable
 judge over priests, princes and doctors : all power
 and authority of loosing and binding is given to him,
 as such, by Christ. Cap. 11, 12. The bishop is the
 king and potentate after God. Cap. 26. 29. 34. On
 trials in the congregation, the presbyters and deacons

are

are to be assistants, and to endeavour to reconcile the parties, *before the sentence* of the bishop, which is ratified by Christ. Cap. 47. *Columbanus* knew nothing of these matters. Having picked up a text, wherein presbyters are named a senate of the church, a *council* and *assessors* for the bishop, and not knowing, that these denominations negative a *judicial* authority, he inferred, that the *consultors* are *judges*, not only in the domestic judicature of a single bishop, but in all episcopal councils.

His fourth string of proofs for the *judicial* right, is from saint Cyprian.

“ Saint Cyprian” (Columb. p. 72.), “ says, that the
 “ synods of Africa were councils of bishops, priests,
 “ deacons and confessors, *the people standing by*; colla-
 “ tionem consiliorum cum episcopis, presbyteris, dia-
 “ conis, confessoribus pariter ac *stantibus laicis* facta.
 “ Ep. 66.”

Softly, *Columbanus*. First; the words, quoted as of saint Cyprian, are found in a letter from the Roman clergy, *sede vacante*, to that bishop. Again; you marvellously interpret the, *stantibus laicis*. Lastly; you cut off the beginning and end of the story. The Roman clergy, being consulted by Cyprian on the mode of rigour or indulgence, proper to be used with those, who had fallen in persecution, reply, that since Fabian’s martyrdom, they had not been allowed to have a *bishop, who with authority and consultation* might settle the question of the lapsed: that, however,

as the question is momentous, they approve of Cyprian's idea; namely, to await the restoration of peace to the church, and thereupon to examine the matter in a general conference of bishops, priests, deacons; of confessors for the faith, and of *all the laity that should not have fallen*. In order to prove a *judicial right in presbyters*, you make the laity *stand by*. Now permit the Roman clergy to assign their own reason; "For we consider it liable to great odium, as well as to great responsibility, not to examine, through the medium of a *great number*, a case, that implicates in guilt a *multitude*. Perquam enim nobis *invidiosum et onerosum* videtur, non *per multos* examinare, quod *per multos* admissum videatur fuisse."

Ibid. "Priests attended in councils held by Cyprian himself, *not pro forma* and by *connivance*; they *judged* and *determined with* the bishops on matters of faith and discipline." Our author gives very prudently his texts *in Latin*. The first is, "I and my colleagues, who were on the spot, and our brother presbyters, who sat on either side." Is not this demonstrative of a *judicial right*? *Columbanus* forbears to tell, what was then defined or by whom: and, in fact, it turns out, that there was no *council* alluded to by Cyprian. Our author quotes this from Cyprian, Ep. 66. He will find the letter itself in Fell, Ep. 1., and be pleased to read the annotation.

Second text; "Concerning which affair" (of re-baptizing), "that you might know, what very
 4 T " many

“ many of our brother bishops have *determined* in
 “ synod, in company with brother presbyters, who
 “ were on the spot.” Does not this prove the *judicial*
right and privilege, *always* enjoyed, of *restraining*
 episcopal intrigues?

The third text; “ If the number of those bishops,
 “ who *pronounced judgment* on them last year, be
 “ computed, along with *presbyters* and *deacons*, it
 “ will appear, that more were *present* at that *judg-*
 “ *ment* and examination, than all the now partizans
 “ of Fortunatus.” Is it not a good proof, that the
second order held a *judicial* right, to shew from saint
 Cyprian, that they had it not?

Fourth text; “ Saint Cyprian” (Columb. p. 64.)
 “ writes to pope Cornelius, Ep. 55.” Fell, 59. “ that
 “ he had a *flourishing* clergy presiding with him at
 “ Rome.” Over whom *presiding*, Columbanus?
 Does the justice of peace, because he *presides*, as well
 as the chief justice of England or of Ireland, over the
 peace, appear to you coequal; in *judicial* right, with
 the general conservators of a realm? It is your
 fate to deal in *apocrypha*. I do not deny, but I main-
 tain, that the *presbyters* are, in the catholic polity,
 προσαται, προσδδοι, προσηγμενοι, προκαθημενοι; and that their
 acts are acts of spiritual magistracy. But you are
 perpetually shuffling the question, as here. Instead
 of proving a right, affecting the *bishop*, you allege a
 superiority, affecting the *people*. Having said thus
 much on the principle, I beg to add, for the informa-
 tion

tion of persons, not so learned as yourself, first, that the, *florentissimo clero tecum praesidenti*, is a most doubtful reading on the very face of the manuscripts; that *four* manuscripts in England, of very good mark, have *praesenti*; that *praesidere* is used by saint Cyprian, and by Tertullian, to whose discriminating stile he conforms, for the *episcopal* primacy, and for no other *presidents*. Lastly, I suggest, that the true reading is necessarily, *tecum praesidente*, i. e. united with thee, as governor.

The fifth text of *Columbanus* is, that “on the death of Fabianus the pope,” (Columb. 65.) “the second order, or Roman clergy governed that see, stiling themselves *praepositi* or prelates.” He adds something very foolish, as from Baronius, whom, by the bye, he misrepresents. Now the Roman clergy do not stile themselves, *praepositi*. In the vacancy of the first chair, and while the emperor Decius was more afraid, as saint Cyprian states, of a bishop being made for Rome, than of a pretender setting up for the empire, the priests and deacons of Rome, hearing that Cyprian of Carthage had absconded from persecution, wrote an anonymous letter to the clergy in Carthage, asking *them* also to stand in the breach, and using these words, as applicable to both churches; “We,” namely, of Rome and Carthage, “who appear to be now left governors, and deputies of bishops. Nos qui videmur esse praepositi, et vicem pastoris sustinere.” Will *Columbanus* never
have

have done with forgery? His helps from *Baronius* are not worthy even of refutation. I revere that holy man: I respect his devout prejudices, as well as his invaluable labours. However, it is not for our author to defame at once, and to implore such authorities.

His last argument from saint Cyprian is also *Latin*. "The Roman clergy had a share in the government," (p. 68, note), "and were, as saint Cyprian *expressly* says, in his epistle to Lucius, Ep. 58. *Cum presbytero episcopi sacerdotali honore conjuncti.*" I have deferred to this last text an observation. *Columbanus* purloins from some French catchpenny all his authorities. He perpetually quotes Cyprian from the editions anterior to Fell, as this quotation is from the numeration of Pamelius. In truth, the Roman clergy *had a share* in the government; and, though the example of a patriarchal see, especially that of Rome, is no precedent, as I have demonstrated, unless for *apostolical* missions; there is nothing allowed, or alluded to, in any ancient document, concerning *presbyters*, which our *parish priests* do not enjoy in a far higher degree. Now, what is the text of Cyprian, so garbled by the impostor? The bishop congratulates the church of Rome, that the persecution had spared the *Novatian* conventicle, and had singled out the successor of Cornelius; "to this purpose, that Christ, for the confusion and conviction of the *heretics*" (so Cyprian termed all schismatics), "should

“ should make it plain, which was the *church*” of Rome; “ who its *one only bishop*, selected by divine ordinance; who the presbyters, united with that bishop, as connected with him by the magistracy and insignia of priesthood.” Intelligimus unde illic “ repentina persecutio exorta sit, ... ut ad confunderedos haereticos et retundendos ostenderet Dominus, quae esset ecclesia; quis episcopus ejus unus divina ordinatione delectus; qui cum episcopo presbyteri sacerdotali honore conjuncti.” 58. Pamel. 61. Fell.

Now that we have got over these formidable proofs of a *judicial* right in the second order, and have scanned their folly, emptiness and fraud, I will make one or two observations with regard to Cyprian. First of all; no *judicial* right has been proved from him; no *judicial* interference has been shewn, *even of concession*. Secondly; it has been most grossly concealed by *Columbanus*, that this neophyte bishop of Carthage avows *himself* the *introducer* of a rule, that he, the bishop, should *consult* his presbyters and *deacons*, and moreover seek the *consent* of his flock, before he established any regulation of discipline. Ep. 14. Fell 6. Palmer. A primordio episcopatus mei statui, nil sine consilio vestro, et *sine consensu plebis* mea privatim sententia gerere. Would not even this declaration suffice to shew, that the very privilege of *consultation* had *not always* been enjoyed by the second order? Again; if Cyprian had mentioned, as he does not, a *judicial* right in the second order; if there remained only a doubt,

a doubt, whether such right were inherent, or derived from courtesy, humility and kindness in the bishop, and exercised in dutiful reverence towards the bishop by the presbyter, ought we not consult the martyr himself, and trust to his express words, rather than to forced and captious inferences of a *right*, from an equivocal practice. Hear then the martyr. "From no other source have heresies originated, and schisms taken birth, than from this; that obedience is not yielded to the *priest of God*:" (i. e. the bishop); "that it is not considered, that one priest for the time being, and ONE JUDGE holds the lieutenancy of Christ in each church. If the entire *body* remained dutiful to him, according to the divine precept, no man, after the divine election, after the popular choice, after the consent of the brother bishops would attempt to make himself a judge, not merely of a *bishop*, but of *God himself*." Ep. 69. Fell.

Let us next take up our author's arguments from councils.

1. "In the council of Eliberis, held A. D. 306., the bishops were only 19, the presbyters were 26."* I have settled this matter already.

2. "Eusebius says, that so many of the second order attended in the great council of Nice, that *it would be tedious* to mention them individually. Tillemont *computes them* at 2048, Bèausobre "agrees."

* Historical address, No. 2. p. 71.

“ agrees.”* I have settled also the passage from Eusebius. If *Tillemont* and *Beausobre*, some thirteen hundred years after that council, *computed* the number at 2048, *Columbanus* will be pleased to understand, that the imperial saloon must have been *half a mile* in length, in their supposition. However to ease him of this scruple, I beg to let him know, that those 2048 are taken from the notes of Abraham Ecchellensis to the *Arabic* canons; and that the words of Ecchellensis are these: “ According to the *Coptic* “ *preface*, the 318 fathers were selected from 2348: “ according to the *Melchite*, from 2048 *bishops*.” Labb. 11. p. 394. C. 402. Abraham Ecchellensis confesses, that in writing against Selden he had conjectured, that *priests*, *deacons* and *monks* contributed to make up the number; but in these notes he retracts his error. *Columbanus* builds on a third-hand mistake, although retracted by its original broacher.

3. Of the council of Ephesus *Columbanus* writes merely; “ Compare the subscriptions of the second “ order. Baluz. Nova Collect. Conc. 1. 507. 519.”† The reader may save himself that trouble; for this council is settled.

4. “ In the council of Chalcedon, *five hundred and “ twenty attended*, where the bishops were only 356.” I refer the reader to the preceding letters, and I leave him to his reflections on *Columbanus*.

5. “ The

* Historical Address, No. 2. p. 71. † *Ibid*, p. 90.

5. "The fourth of Toledo assigns their proper place in synods to priests, &c."* All settled.

6. "The council of Tarracon enacts, that the Metropolitan should send letters to his brethren, that they bring with them, not only some of the presbyters of the *cathedral church*, but also of each diocese."† It is true, that there is something of the kind, mentioned already: but *Columbanus* forgets the addition, that they were to bring also *some of the laity*: he forgets also, that this rule was made *by bishops*, and shews, that they could *exclude*, as well as *summon*.

7. "In the great council of Lateran under Innocent III,‡ there were 492 bishops and above 800 of the second order, according to Platina." Platina writes, that in that council there were 70 archbishops, 400 bishops, 12 abbots, and 800 superiors of monasteries,§ along with the patriarchs of Jerusalem and Constantinople, and ambassadors of five kings. Now this council, as *Columbanus* well knows, took place in the *thirteenth century*. He knows, moreover, that the presence of those *conventual superiors* (rashly termed by him of *the second order*), was in consequence of a special summons to them. He knows, lastly, that this summons is to be found in the

Regestum

* Historical Address, No. 2. p. 66. † Ibid. 70. ‡ Ibid.

§ Interfuere Hierosolym. Consuetud. Patriarchae, Metropolitani LXX. Episcopi quadringenti, duodecim abbates, priores conventuales octingenti.

Regestum XVI. L. 4. Ep. XXX. of the said Innocent III.* Knowing all these matters, he might with perfect accuracy have passed over *the great council of Lateran*.

8. “ Have we not to this day innumerable instances of *judicial* subscriptions and sentences, enacted by the second order ?” † No.

9. “ Do we not find them in the two *general* councils of Nicca, in the two *general* of Constantinople, in that of Ephesus, of Chalcedon, and in the first of Arles ?” † No.

10. “ Was not Marcion rejected and condemned by the *Presbyterium of Rome*, A. D. 143. Euseb. L. 5. ch. 13 ?” No. Eusebius has not one word of the matter, nor Ireneus, nor Justin Martyr. But Epiphanius does mention, *πρεσβυται* and *πρεσβυτεροι*, who, with your permission, were *bishops, doctors, and scholars* of the apostolical disciples. § The *condemnation* and *presbyterium* are your own additions.

11. “ *Novatus*,” he means Novatian, “ was condemned by a synod of *the second order* of the *Roman clergy*, as stated by Eusebius, l. 6. ch. 43.” || By falsifying his author, *Columbanus* has lost the advantage

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of

* Besquet's edition, p. 555. Circular to the *archbishop, bishops, abbots, and conventual priors, of N. province*. Vineam Domini Sabaoth. Historical Address, No. 2. p. 63. † *ibid.* ‡ *ibid.*

§ Epiphanius, *Marcionistae*, p. 302. 303. Petau. || Hist. Address, II. *ibid.*

of his text. Eusebius truly does say, that a great synod was held at Rome “ of bishops, sixty in number, “ and, in priests and deacons, still more numerous : “ that, throughout the provinces also, the *pastors* severally discussed the cause, and that *one and the same* “ *decree* was resolved by all.” Had he been satisfied with the intervention of priests and deacons, as making up part of the synod, I would have let the matter rest for the present : but when he terms this meeting a *synod of the second order*, when he leaves out the *deacons* as well as the bishops, I blame his want of integrity. When he terms the meeting a synod *of the Roman clergy*, I am surprised, that he should not have known, from the very chapter of Eusebius quoted, that the presbyters of Rome were only *forty-six* ; and that five of these, along with Novatian, himself a presbyter, had gone into schism : and therefore the *greater* number of *priests*, above *sixty*, could not be of the *Roman clergy* alone. Lastly ; I beg to remind him, that neither *judicial* signature, nor *judicial* enactment, is ascribed to the *second order* by Eusebius : on the contrary, he relates, that Cornelius, in his epistle to Fabian of Antioch, delivered the names and the sees of the *bishops*, who at Rome had *condemned* Novatian, as well as of the foreign *bishops* who accepted *their decision*.

12. “ Paulus Samosatenus was condemned by the “ *priests* of Antioch. Euseb. l. 7. c. 30.” Enough has been said already on this council. For the present, I will

will but remark, that only *one* priest, *Malchion* of Antioch, is mentioned to have disputed against *Paul*; and that the other *presbyters* are denounced in the synodical letter, as corrupted by that heretic.

13. “ The Priests sat and subscribed in the several
 “ councils held in Rome by Popes Hilarus and Gre-
 “ gory the Great, as related in St. Greg. epist. l. 4. c.
 “ 88. in the 1st, 3d, 4th, 5th, and 6th councils of
 “ Symmachus, and under Felix.” The quotation
 from Gregory I do not understand. There is not a
 doubt, that, in the Roman synods, the priests sat;
 and that, in all matters regarding the constitution
 of that particular church, they subscribed. That
 they subscribed *judicially*, *Columbanus* will have proved,
 when he adduces the name of a single presbyter,
 speaking as a judge, in any Roman council. He
 quotes the signatures to the 1st council under Symma-
 chus, of which the presbyters’ signatures are feigned;
 he quotes the *fifth* and *sixth* councils under Symma-
 chus. He has forgotten that those councils, in body
 and in tail, are fabrications. He quotes the *third*
 under Symmachus, which *no presbyters* subscribed or
 could have subscribed, it being the decree of the
 bishops, to whom Theodoric had referred the cause,
 and who take notice of their commission in the de-
 cree.

14. “ Does not Pope Siricius inform the church of
 “ Milan, that Jovinian and his followers were de-
 “ tected by a *judicial* sentence of the *priests* of Rome;
 “ *Sacerdo-*

“*Sacerdotali* judicio detecta?” No. This point has been already disposed of. *Columbanus*, you should have remembered, that *Sacerdotale* *judicium* is an *Episcopal judgment*, in *Latin*.

15. “Was not *Noctus* cast out as a broacher of
 “ new doctrines by the *counsel of the senior presbyters*
 “ of Ephesus, as related by Epiphanius? They
 “ cited him, says Epiphanius, to give *an account of*
 “ *his faith*, and *they condemned* both him and his fol-
 “ lowers, A. D. 245. Epiphan. *Haeres*, 57. p. 479.”
 I answer; “*Noetus* was *summoned by the sainted pres-*
 “ *byters of the church*,” says Epiphanius. “He first
 “ denied, and on the second summons maintained, with
 “ his ten disciples, the novel and deleterious blas-
 “ phemy, that the invisible Father had suffered death.
 “ For his obstinacy they expelled him from the
 “ church. He and his brother died soon after,” prob-
 ably of the plague. “No christian would compose
 “ them in the funeral shroud.” As to the main fact,
Columbanus is not astray. In truth, *Noetus* was ex-
 pelled the congregation, according to Epiphanius,
 for contumacy and blasphemy, by *the Presbyterium*.
 As to the consequence, *Columbanus* has tripped a little,
 or even more. He was bound to shew, that there was
then a bishop in Ephesus; he was bound to shew, that
 the Ephesian *πρεσβυτεριον* was not a synodical meeting
 of suffragan bishops. After disposing of those two
 questions, which he is incompetent even to approach,
 he

he ought to have proved, that it is the mark of a *judicial* right to expel horrible and confessed blasphemers against the *known* faith of the catholic church. The *judicial* right, here pretended by *Columbanus*, is the right of every catholic layman. Does *Columbanus* suppose a right coequal to episcopal, implied in any deed of avoiding and abjuring the man, who professing himself Catholic; would deny the seven sacraments or the blessed Trinity? If no bishop had been at Ephesus; if no presbyter had been there, the congregation had been warranted in expelling Noetus; because his *doctrines* were not only *new*, as our forging author palms it on Epiphanius; but they were in open contradiction to christianity. They were expressly such doctrines as those, to which the apostle Paul applies the malediction of anathema, although brought into the world by an angel. The *senior presbyters*, and the *judicial condemnation* of Noetus and his followers, are, as usual, the creatures of our author.

II. On the subject of *coadjutors with hope of succession*, our author is still as fresh as at his first onset. “The *foreign vicars*,” says he, (pages 52, 53.) “allege the instances of saint Augustine and saint Francis of Sales.” *Columbanus* again informs us, that saint Augustine *repented*; as to the latter, he says nothing: that Austin of England appointed his own successor, because the infant church was exposed to danger, which is *not* the case with the catholic church in Ireland.

Ireland. The *new* arguments of our author are;

1. That in a certain history of Charlemagne it is related, that the bishop of Aquileia, being pressed *by the emperor* to appoint his own successor on his death-bed, answered, *he would not add that to his sins.* Columbanus, foreseeing, that the text would not serve, abstains from quoting the Latin.
2. That Boniface, the apostle of Germany, asked leave of pope Zachary to *nominate* his own successor. The pope replied, that he *could not consent*, because it would be a “violation of the canons.” Our author, as usual, was loath to encumber the story with a beginning or ending. Boniface had been ordered by Gregory III. to appoint a *certain* priest his heir and successor in the *ecclesiastical ministry*. At this time, *Boniface* was a missionary bishop. The object of his choice fell under disgrace at court; his brother having killed an uncle of Carloman. On this account Boniface applied to Zachary for an enlargement of his power of designation. The pope, in truth, declares, that he cannot allow this substitution of bishops, because it is contrary to all church rules and traditionary principles. He therefore instructs Boniface to defer the nomination, until he is near his end; *then to appoint his successor in the presence of witnesses*. He declares, that this privilege he will grant to no other. Labb. V. p. 1496. IV. 1499. IV. Zachary changed his mind, five years after; and empowered Boniface, now archbishop of

of Cologne, to ordain his coadjutor a *bishop* with the right of succession. (Labb. VI. 1757. E. 1522. C.) Wisely and honestly were these circumstances omitted.

III. On episcopal elections our author gives the following supplementary intelligence. (H. Address, p. 54. note, 55, 56.) “Petau, one of the most learned men the christian world ever produced, says; *Non-nisi electione, &c.*” i. e. It is most certain, that bishops deceased were replaced uniformly by election. “*Neganus*, continues he, &c.” i. e. We deny, that Soter, Eleutherius, or any bishops of Rome or of other churches were appointed otherwise than by election.” It is very true, *Columbanus*, that Petau was a most learned man. But why mangle his words and pervert his meaning? *Salmasius* had argued, from a newly discovered letter of Pius of Rome to Desiderius of Vienne, purporting to be written early in the second century, that *bishop* was then the *senior priest*, and that each surviving *presbyter* gained this title, which was of mere precedence, without a further choice or consecration of any sort. *Petau* denies this assertion, and maintains, that bishops were distinctly chosen for the episcopal office, in all the churches, and from the most early times. Were *Petau* to return to the world, he would make our author smart for this dealing. Again; “Petau,” says *Columbanus*, “proves from a collation of the fathers of every age; as well as from the canons of general and provincial
“ council

“ councils *universally received*, that bishops *must be*
 “ elected with *unfolded doors*, in the presence of *all who*
 “ *choose to attend*.” This most *learned man*, it seems,
 was ignorant, that bishops were finally elected, and
 consecrated in the same meeting and *inter sacra*, at
 which neither infidels, nor heretics, nor catechumens
 could be present. This *most learned man* also quotes
general councils for a practice on which all general
 councils are silent. Now, the fact is, that Petau has
 not a word nor a syllable of this nonsense. “ Petau
 “ adds, that the decrees for the *maintenance of this*
 “ *discipline* are innumerable. *Innumera sunt hujus*
 “ *modi decreta de eligendis episcopis, suffragante et*
 “ *subscribente clero, consentiente Populo.*” i. e. Innu-
 “ merable are the decrees of this kind for the elec-
 “ tion of bishops, *the clergy voting and subscribing,*
 “ and the people *consenting.*” I leave to the honest
 reader to settle accounts with *Columbanus*, on this
 unparalleled fabrication. The words of Petau are ;
 “ *Sed innumera sunt hujusmodi decreta de eligendis a*
 “ *populo episcopis occidentalium Ecclesiarum.* But
 “ innumerable are the decrees of the *western churches*
 “ concerning the election of bishops by the people.”
 The sum total of Petau’s argument is directed against
 the fancied right of *seniority*. The generally received
 canonical discipline, according to Petau, was, that
 “ bishops should be *chosen, either by bishops alone, or*
 “ perhaps by *bishops and clergy together.* The ad-
 “ mission

“ mission of *lay votes* was chiefly a law and custom of
 “ *the West*. Nam, ut *ab episcopis*, aut *una etiam a clero*
 “ *eligerentur episcopi*, recepta per omnes ecclesias
 “ *canonum decreta sanxerunt*. Ut autem in iis re-
 “ *nuntiandis laicorum insuper suffragia* locum haberent,
 “ *in occidente potissimum lex et consuetudo tenuit.*”

Ibid. “ Saint Cyprian maintains *professedly*, that this
 “ *discipline*” of clergy *voting* and *subscribing*, of peo-
 ple *consenting*, “ is of apostolical institution ; his 68th
 “ letter is *professedly* on the subject.” This 68th
 letter must be hiding *inter codices Justellianos* ; be-
 cause, in the printed 68th of Cyprian, neither *subscrip-*
tion, nor even *clergy* is mentioned. The martyr speaks
 of the practice, almost generally received, and having
 authority in the observance of the apostles, that a
 bishop should be chosen in the presence of the people,
 who, being acquainted with the morals and life of each
 and of all, have *the principal part in chusing* the good,
 as in *rejecting* the unworthy.

“ Are the Irish bishops more learned than Peta-
 “ *vius*.” No truly ; but *Columbanus* is. “ Let cano-
 “ *nical election* be restored. Let the second order be
 “ *reinstated in their synodical rights*, and then *we will*
 “ *talk about synods.*” Until this event, it seems, *Colum-*
banus is resolved to keep his *wisdom* under a bushel.
 But will he persist in *talking* then also ? “ Else *synods*
 “ *may be gunpowder plots.*” A good hint to the police.
 When *they* have burst in the doors, *you* can take

your place behind, according to the fourth of Toledo. This is the same *Columbanus*, who had branded with disaffection the man, that feared our rite of *confession* might be *suspected*.

Our author, p. 56, 57, attempts to play the *Peta-rius* with the councils of Nicea, Laodicea and Antioch. He is, in truth, very learned, and begins; “ I know it has been *asserted*, and what is it that *may* not be asserted, &c.?” It *may* be *asserted*, I hope, that you, *Columbanus*, have taken all this learning from the 6th, 7th, 8th, 9th and 10th paragraphs of *Petau's* Hierarchy. Lib. 1. c. 13. You add in your note a remark, insinuating, that *Jupiter* was the royal ancestor of bishop Synesius. There is, besides, some improvement peculiarly your own. *Petau* attempts to prove, that *popular election* subsisted after the celebration of those councils. You attempt to prove, that the *clerical suffrage* still prevailed in the east; and you prove this by saying it. *Petau*, in conclusion, grants, that, in the east, if bishops were frequently demanded by the people, they were also appointed by the bishops alone. This you change into, “ Hundreds of examples *not only of clerical*, but even of *popular elections* in the eastern churches, subsequent to those canons, as of *Synesius*, &c.” Be pleased to know, *Columbanus*, 1. that to insert, as you do, the words, *not only of clerical election*, is not doing justice to *Petau*, or to Menard, or to your cause; 2. that Egypt was not an *Eastern* church; 3. that the councils

cils of *Antioch* and *Laodicea* were not received in Egypt: nor do the authorities, alleged by *Petau*, demonstrate even what he undertook to shew, and what he at last gave up, in these words; §. XIII. Verum, ut ut in orientali ecclesia renuntiati sint episcopi, hoc est, sive populi *plerumque* suffragiis expetiti, sive *ab solis episcopis creati*, primum constat, non eodem modo transactam rem fuisse.

“ *The Castabala*” p. 43. note, “ objects to my translation of *plebs*, represensatives of the people: but “ he only betrays his own ignorance: let him read, he “ will find it so rendered in coeval writers. See the “ *Novella* 123 of Justinian.” He means surely the *Novella* among the *Codices*. For, *plebs*, is not once mentioned in the *printed* novel. Those *coeval* writers are, no doubt, in the *Codices* also, who, in the fifth century, translated, *plebs*, in *English*, representatives of the people. Let *the Castabala* read the remainder of the note in question: then let him know, that *Columbanus* has already performed greater wonders than even this on the *plebs*. Some instances I have already given of his resistless alchymy. But for the instruction of *the Castabala*, I will furnish one more of inimitable rendering. De Burgo, a catholic archbishop, is stated in a Latin text, as given by *Columbanus*, to have been imprisoned; then reduced to *quit the country*. The Latin words are, *Ergastulo inclusum solum vertere coegerunt*. This little text, by
mere

mere prismatic refraction, has acquired these glorious hues. "They shut him up in a *workhouse*, and compelled him *to dig with a spade for his daily bread.*" Let the *Castabala* know, that our author holds a gift of tongues corresponding with his divine legation. *Cedite, Romani Scriptorcs!*

IV. With regard to the *spiritual* authority of the Pope, I purposely abstained in these letters from every topic not indispensable. To *Columbanus* I yield the occupation of making *genuine* ideas and *infallible* rules for estimating the papal office; and I do so the more willingly, as it may be suspected, that he is himself a sort of pope. I will take notice here only of one fib, which has made its last appearance in pages 43, 44, 45, of the second *historical*: "that the *sum total* of the primacy consists in *enforcing* the execution of the canons throughout the universal church, as *is proved* by Natalis Alexander, *Secul. I. Dissert. 4. p. 115*, and that the pope has no power of altering or abrogating those universal laws." *Columbanus* gives the Latin of this following phrase; "Hence it is rightly inferred, that the bishop of Rome cannot, *pro libito, at his will and pleasure*, abrogate the canons enacted by divine inspiration and consecrated by the reverence of the entire world. *Nat. Alex. ibid. p. 118.*" Our author, with a decent prudence, dropped the words, *at his will and pleasure*. But he has done more: he skips from page 115 to p. 118 of *Natalis*.

Natalis. Why so? Because, exactly between these two pages, there is an explanation, Schol. iv. p. 117. wherein that writer declares, that “although the papal office consist *principally* in upholding church rules; although a pope cannot at his fancy *abrogate*, yet he can *interpret* general canons, and, in *particular instances*, can dispense with them throughout the world, for the advantage of the church.” I leave *Natalis* here.

V. From page 113 to p. 129 of this Address, *Columbanus* exerts himself to prove, that the *discipline* of the council of Trent has never been received, and can never be received in Ireland. In his *index*, this title is *peppered* for the taste of a certain species of readers, by adding, that the *discipline*, &c. cannot be received, “without *perjury*, by any Irishman, who has *taken the oath of allegiance*.” Now, *Columbanus*, since your practice, as you once informed us, is to avoid *pedantic*, technical, scholastic terms, and to handle matters perspicuously, of which gift I have recorded most luminous instances, it might have been expected, that you would explain the term, *discipline*, as understood by the catholic church in Ireland. Your argument is this. The Irish catholics abjure all authority of popes or councils over *temporal* rights within this kingdom. But the council of Trent, amongst its regulations of *discipline*, appears to have intermeddled with, and enacted *temporal* matters; therefore

therefore the *discipline* of that council cannot be received here *without perjury*. Such is your demonstration. If it has not the merit of originality in quoting (for, in fact, your ecclesiastical proofs are borrowed, honestly borrowed), it must be allowed the praise of original *logic*. Heretofore it had been supposed, that to negative an *authority* means to deny the authority formally, generally, not partially; that to negative, in the present instance, the authority of the discipline of Trent, would mean to deny that council all authority in its disciplinary canons. But you, *Columbanus*, from instances of *temporal* enactment in that council, and from the *datum* of our abjuring foreign *temporal* authority, by whomsoever exercised, conclude, that, in *no matter* of discipline, was that general council adequate to regulate the catholic church in Ireland. You are plainly a geometrician: you possess that faculty of consistent intellect, which marks the proficient in those studies. Even so, let me ask, is there any of the points contested by *you*, and maintained by the catholic church in Ireland, of *temporal* concern? Your fits of loyalism are truly pathetic, as your fits of reasoning are lofty. Will you be kind enough to clear up, for us ignorant creatures, why the council of Trent, because in certain of its regulations, it assumed the catholic churches to be for the most part *established*; to hold *temporal* rights even judicial; to be guaranteed in those rights by immemorial possession;

to

to be a member of the several catholic states; and, in this supposition, framed certain decrees in revival, or in the spirit of a mixt legislation: that on this account, those canons of Trent, which it is purely and solely of ecclesiastical competence to promulge, and which regard ecclesiastical polity *alone*, should stand attainted? Do you understand as yet, or do you call for examples?

Did you ever hear, that, in America, there is a presbyterian church, acknowledging the primacy of the kirk in Scotland? Do you know, that it subscribes the Scotch articles; that the American States are independent? You know all this; at least, that the Scotch *discipline* is *authoritative* beyond the Atlantic. Do you infer from these premises, that those American presbyterians are traitors to their own country? Do you suppose the British Sovereign entitled, in their opinion, to hold all pre-eminence *temporal* in America, or that they believe in the right of parliament to tax the federal States? In America, at least, you would not answer, Yes; because patronage, in that country, is not much considered.

Was the council of Trent a true general council, as all catholics acknowledge? Was it even a council of the West, as the eastern church acknowledged, when it adopted its canonical decrees and doctrinal expositions against the reformists? If even a true council of the West, it was competent to regulate the *interior* polity of that church. This regulation of *interior* polity is, with us Irish Catholics, the *discipline*
of

of the council. The legislation, *upon mixt matters*, is not for us the *discipline* of Trent, where our oath intercepts the sanction. We hold, that it never was in the mind of the council to bind men, or rights, that were not represented; or to invade that, which was independent of synodical controul. The council, as I have already said, and as every Roman catholic knows, went on the supposed ground of existing *temporal* immunities. It had not the prophetic microscope for distinguishing our *magnus nasciturus*, who was to come forth as a catholic doctor, preaching, that its *discipline* cannot be received without perjury by those, who, in admitting that *discipline*, abjure its temporal legislation.

When the council of Trent requires, that no bishop shall designate his coadjutor with hope of succession without the consent of the holy see; it determines and recognizes, that, under this condition, the designation generally shall be righteous and canonical. When it anathematizes those pretended catholics, who deny that persons, assumed by the pope's authority to the episcopal office, are true and lawful bishops, it decides a point of faith. Now, *Columbanus*, these are the points which have excited your rage, which you perpetually aim at, and on which, notwithstanding, in five pamphlets, and in a whirlwind of innumerable blasphemies, you studiously avoid to mention the council of Trent. Be of good heart. Those decisions will survive you, and will judge you. Is it in the council of Trent
alone

alone our author finds *temporal* rights meddled with? Does he forget, that in his *Toledo* councils and in his councils of Seville, along with disciplinary canons, are to be found regulations directing corporal punishment, as well as the election of sovereigns; or that, in councils of France, even regal causes were decided? Does *he* receive those temporal rules, when he argues from the *discipline* of Spanish councils, and from Capitularies?

The discipline of the council of Trent, says our author, was *proscribed* by catholic France. How can a man who not only affects zeal, but disgustingly appeals on every occasion to the Deity; utter such manifest untruths? The discipline of the council of Trent was received, with the exception of the matters quoted by *Columbanus*, and was enacted in the several dioceses of France. In all the assemblies of the clergy, down to the revolution, this council was recognized as most sacred. In matters of national usage, the French church took it for granted, that the council intended not, by general words, to derogate from their immemorial possession: that, in matters regarding the prerogative and temporal rights, the council intended not to invade or to compel. But the French church revered the *discipline* of the council of Trent and adopted it, under those limitations. *Columbanus* quotes *Dupin*. What authority had *Dupin* in France?

He tells us, that “ the *discipline* of Trent deprives all
 “ *princes*, who tolerate duelling, of their *temporalities* :
 “ that it assumes a *temporal dominion* over catholic

“ princes with regard to ecclesiastical *immunities* : de-
 “ clares bishops independent of the civil power, and sub-
 “ ject to the pope in *criminal cases* of the greatest mag-
 “ nitude ; enables bishops to punish with *finēs* the prin-
 “ ters of anonymous books ; to enforce obedience by
 “ depriving ecclesiastics of their revenues ; to dispose
 “ of the entire revenues of hospitals though founded
 “ by Laymen and exempted : to compel the laity to
 “ give such maintenance, as *they* think fit, to the cler-
 “ gy : to *compel* church repairs : to sequester bene-
 “ fices : to suspend notaries for ever and without ap-
 “ peal : to change last wills. It exempts married
 “ men from lay jurisdiction, provided *they become* ton-
 “ sured clerks. It empowers to sequester the estates
 “ and to imprison the bodies of laymen.” Supposing
 all this to be as accurately true, as it is maliciously cari-
 catured, does *Columbanus* suppose, that such enact-
 ments are of *discipline* merely ecclesiastical? Does he
 suppose, that the right of an English bishop to sit in
 parliament is a matter of *discipline*, not a matter of
 privilege? Does he fear, that *catholic* princes will be
 created ; that *imperial* notaries will be brought into
 this kingdom ; that hospitals will be founded, and
 clerks will be tonsured, in order to set up those rules
 of Trent? That, whenever a duel is fought with pis-
 tols or with sticks, the feudal system is to be re-esta-
 blished, for the purpose of giving a forfeiture to the
 lord paramount? No, *Columbanus* does not suppose,
 he

he does not fear such revolutions ; but he hates the catholic church and the council of Trent ; and he therefore has determined to do all the mischief he can to the former, by abusing the latter.

One most extraordinary proof he gives, that the council of Trent was not received in Ireland. “ The *national council* of Kilkenny, in 1648, impeached *Rinuccini* “ for usurping the power of conferring bishoprics, in “ *disherison of the crown*, and against *the fundamental laws* of the realm ; and, notwithstanding the *pledge* “ given by *Rinuccini*, *on the faith of the pope*, that no “ Irish bishopric nor benefice should be conferred, “ unless under the king’s *right of nomination*, exercised by the *supreme council* of the catholics of Ireland, that, in 1647, *Rinuccini* ordered those “ bishops appointed by himself to take their seats in “ the council, and prevailed ; notwithstanding the “ opposition of catholic *lawyers*, who argued, that no “ bishop, until he had sued out his *temporalities* at “ the king’s hands, could sit in parliament.” The *lawyers*, I fear, are but making sport of *Columbanus*. Those *lawyers* well knew, that the *council* of Kilkenny had no pretension to take up the right of nomination, exercised eighty years before by catholic kings. They knew, that the pope never could have authorised *Rinuccini* to pledge his faith on so monstrous an assumption ; that no such *fundamental law* existed. But, supposing the *lawyers* in earnest, what had this matter to

do

do with the council of Trent? Did the council of Trent abrogate the *concordatum* of Francis I. and Leo X? Now, *Columbanus* will do well to explain a petty matter, disclosed by himself. Were the lawyers in earnest, when they mentioned *temporalities* of titular bishoprics? If they were, it follows, that the council of Kilkenny had given *Rinuccini* to understand, that the titular bishops were to be reinstated in *temporalities*. It follows, that, in the *private* treaty with Ormond, faith was broken with *Rinuccini*; perhaps from resentment; but faith was broken undoubtedly, by those occupants of *royal prerogative*. Let *Columbanus*, in his more ample work, touch upon this point. It is a great *desideratum* in his masterly and honest chronicle “of the calamities occasioned by *foreign influence*.”

VI. The last point, that I consider entitled to notice, is the borrowed argument against episcopal synods, and the fraudulent quotations of councils in Carthage and Seville. According to our author, *episcopal synods*, in the *exclusive* shape, are adverse to justice; because, in cases between bishop and clergyman, the bishops, if *implicated in a common guilt*, will make a party against the clergyman. We have seen, that the argument has its illustrious origin in the complaint of the Donatists to Constantine. A bishop, with *Columbanus*, is another name for a tyrant and wicked judge. Unfortunately, such judges are of

Christ's

Christ's appointment ; and this doctrine, if applied to the government of the land, will sound perilously. -I, for my part, suspect for a great saint, or for a great criminal, the man who cries out, that he is refused justice in every quarter, and that, without a revolution, he cannot be, what he declares himself worthy of becoming ; who rages for a *salutary reform*, he himself not holding any rank in existing systems ; who talks of the *Egis* of protestant statesmen in a question of catholic religion ; and who, as *Columbanus* has done, in order to prove, that the secular power has jurisdiction over sacred causes, quotes the jurisdiction exercised by *Pontius Pilate*, in condemning the son of God. If *Columbanus* had read a little farther in the text, he might have become wise to soberness. “ *Thou couldst have,*” said Christ, “ *no authority upon me, if it had not been granted to thee from above.*” True. For God had *surrendered* him into the hands of sinners. But the Saviour adds, “ *Wherefore* he, who *hath betrayed me unto thee*, hath still a *greater sin.*” The *Columbanus* Iscariot was more guilty than the sober *antifanatical* Pontius.

In order to shew, that a bishop cannot *suspend* a priest, unless in synod, wherein the second order shall be *assessors* and *fellow overseers*, he has quoted in three different shapes, and recently has affected to give at length the words of a canon enacted at *Seville*. The quotation is too long for the present time.

I shall

I shall give the facts, and touch on the frauds committed by our author. Agapius of Cordova, turned bishop from having been a military officer, degraded and condemned to *imprisonment and slavery* a priest, without any crime committed, and therefore unjustly. *Columbanus* takes it for fact, that this priest was *not* tried in any shape whatever; but this supposition is absurd. Fragitanus put in his appeal to the six bishops assembled at Seville, after the death of Agapius: he was declared guiltless, reinstated in his order, and, to obviate the progress of an evil such as that proved, the council of bishops *re-enact* a statute passed at Carthage, that no *priest* or *deacon* should be *tried* by a single bishop. Hitherto the errors of *Columbanus* are probably sins of ignorance. He did not know, that *exilium*, in that Spanish Latin, meant secret imprisonment; and, when he prefers a barbarous reading to the fair one, he knew not that *denuo* adversus *novam*, was tantamount to *de novo* adversus *novam*; or that, *dejiciendum* audeat, is not Latin at all. The council then says, that *many*, without full examination, sentence persons, not by canonical authority, but by tyrannical domination; exalting to church rank some through favour, degrading others out of *hatred and envy*; and without proving any crime, sentence on light fancies: that a *single* bishop may ordain to deaconship and priesthood, (which conditions are *honores* in the church) but a single bishop cannot degrade; because,
if

if a slave once manumitted cannot be *thrown back into slavery*, until crime be openly, in court of the highest justice, proved upon him, how much more ought those *not to be reduced to thraldom*, who had been consecrated to the service of the altar: that such cannot be *sentenced* by one, nor upon the sentence of one be despoiled of the privileges of their order; but, being brought before the judgment seat of an (Episcopal) synod, ought to receive there what the canons define. To omit minor inaccuracies, *Columbanus* translates, how much more ought those to have a *fair legal trial*, who are vested with ecclesiastical *honour* “and consecrated *at the altar?*” From this canon he infers, not that which it enacts, namely, that no final sentence affecting rank and, at that time, affecting liberty, should be pronounced by a single bishop, either with or without those *overseers* of *Columbanus*; but that no presbyter can be safely tried, unless in a *synod*, wherein the *second* order shall have a judicial suffrage.

Our author quotes for his purpose some true and threadbare documents, some false documents; but, whether true or false, he always baffles the question. Without the prolixity of quotations, the discipline of Africa was settled under *Gratus* of Carthage; that, for the trials of bishop, presbyter, and deacon, a certain number of bishops should sit in judgment, of whom the ordinary to be one on the trials of presbyter and deacon.

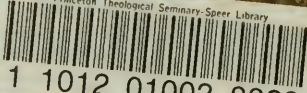
deacon. The suspension, however, or excommunication by the bishop was to be obeyed until the judges met. From the African disputes between catholics and Donatists, still more from the litigious and cunning temper of the natives, joined with a tendency to insurrection on the one hand, and to tyranny on the other; lastly, in order to allure the African clergy of the second rank from appeals to Rome, the episcopal councils there enlarged to an extraordinary degree the benefit of trials, and made *proveable* guilt coequal with guilt, and guilt residing in suspicion, though general, coequal with innocence. In the case of Apiarius, they granted to a man, whom they themselves afterwards represent as a person not fit to live, but who was appealing beyond the seas, the terms of preserving his rank, provided he would relinquish the district: lastly, they went so far, as to allow the *No* of priests or deacons to countervail, as joined with a possessory title, the *Yes* of a bishop. They next allowed judges of choice, but unappealable, between accuser and accused; lastly, triple appeals. Saint Augustine, who was a party to those improvements, preached against them to his people, and set them at nought in practice, in a case of rank suspicion. The African canons, having got into Rome under Symmachus, got into vogue also from the increased weight gained by contested elections, from Arian interference, from great wealth, great temporal power, and from the consideration, that in all offences by clergymen, saving
those

those *laesae majestatis*, the episcopal sentence was final, as to guilt and as to the mode of punishment. The Evangelical maxim, "reprove him between thyself and him "alone," was apparently merged in the forms of pretorian law. Saint Paul had threatened the Corinthians, that at his return he would not spare: that every cause should depend *on the proof by two or three witnesses*: he had advised his disciple to receive no accusation against a presbyter, without two or three witnesses. Our Lord, before the high priest, had said, "if I have "spoken evil, give evidence as to the evil." But the apostle had spoken of visible punishment, and concerning a church in which he could not judge but by testimony: the saviour had spoken after open indignity experienced without a crime or charge, from the blow of a servant. From this time the paternal rebuke of the bishop began to be tampered with by legal formalities, and almost every degree of correction was made a matter of appeal or of legal proof. The system was soon found defective. Even Saint Augustine had been compelled to send clergymen to Nola, that they might purge themselves, by oath, at the tomb of Felix, reported miraculous in smiting perjurers. The church of France, however, did *not* admit those African precedents. They distinguished between lesser and greater crimes (the *causæ graviors quæ juramento finiendæ sunt Aurelian. iv.*) and they allowed not, even in the case of appeal to a synod, the word of a bishop,

although without *legal* proof, to be rebutted by the denial of his clergyman, because the office of bishop was the more trust worthy. On this subject, I have already written as much as the improved state of morals in this country, and the legal freedom enjoyed by all, required that I should advert to. I will dismiss the so called fourth council of Carthage, which our author falsifies, with finally reminding him, that fabrication is an indecent thing: that *audire causas* is “not even to hear causes,” but to try until passing sentence. That, he adds, “of clergy” from his own store: that *clericorum* is not of all the clergy, but of clergymen one or two; and that “*irrita erit sententia nisi clericorum præsentia confirmetur,*” means, in English, that “the sentence will be null *unless witnessed by clergy being present*; not, “*unless confirmed by his clergy.*” I wish to finish this postscript. If *Columbanus* thinks it short, because I have passed over his more foolish arguments, he will know how to meet me. Yet I deprecate meeting with such a writer. I would most willingly pass him by, as the Greeks passed along the sanctuary of the furies, without speaking, without looking, without breathing. If I encounter him anew, it shall be not solely in personal defence.

THE END.

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